

Alton E. Torgrimson, Grand Meadow.  
Delwin B. Clabaugh, Swanville.

## MISSISSIPPI

Frederick J. Fugitt, Booneville.  
Mrs. Dewey M. Collins, Boyle.  
John B. Glenn, Brookville.  
Mr. Ethel W. Still, Clarksdale.  
James B. Keeton, Grenada.  
Samuel A. Witherspoon, Meridian.  
Arthur V. Smith, Pascagoula.

## MONTANA

Hiram B. Cloud, Wolf Point.

## NEBRASKA

Naomi G. Fackler, Burwell.  
Harold Hald, Dannebrog.  
J. Melvern West, Herman.  
Fred C. Johnson, Merriman.  
Albert H. Bahe, Ohioa.  
Ben G. Worthing, Overton.  
Effie E. Adams, Ralston.

## NEW MEXICO

Laura W. Martinez, Tierra Amarilla.

## NEW YORK

Edward P. McCormack, Albany.  
Harold F. Garrison, Fort Montgomery.  
Timothy J. Gibson, Lindenhurst.  
John A. Donahue, Newburgh.  
Francis J. A. Marlborough, Smithtown Branch.

## NORTH CAROLINA

George M. Sudderth, Blowing Rock.  
Patrick H. McDonald, Carthage.  
Wingate A. Lambertson, Rich Square.  
Henry E. Earp, Selma.  
John R. Dildy, Wilson.

## NORTH DAKOTA

Catherine Ross, Arthur.  
Herman A. Borcharding, New England.  
William Stewart, Butte.  
Dorothy L. Schultz, Carpio.  
Frank M. McConn, Fairmount.  
Mildred Peck, Glenburn.  
Loren J. Savage, Litchville.  
Bland Elsberry, Rocklake.  
Christian H. Budke, Sherwood.  
Howard Miller, Werner.  
John H. Case, Wishek.

## OKLAHOMA

Blanche Lucas, Ponca City.  
Robert R. McCarver, Wister.

## PUERTO RICO

George P. DePass, San Juan.

## SOUTH CAROLINA

Philip M. Clement, Charleston.  
John R. Rivers, Chesterfield.

## TEXAS

Ephraim B. Hyer, Buckholts.  
Ross H. Johnson, Burnet.  
Otis G. Baker, Jr., Edna.  
Alva C. Cotney, Follett.  
Mildred M. Hardie, Freer.  
Rosa M. Boucher, Gorman.  
Cecil R. Coale, Orange.  
Mansel R. Coffee, Perryton.  
Charlie C. Truitt, Pittsburg.  
Lemuel O. Robbins, Raymondville.  
Charles B. Morris, Rhome.  
Frank Clark, Rockwall.  
Roy C. Owens, Tyler.  
Ellis Campbell, Wills Point.

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## VERMONT

Jeremiah C. Durick, Fair Haven.  
Richard Harlie Standish, Montpelier.

## WEST VIRGINIA

Hugh B. Lynch, Chester.  
George C. Sowards, Hurricane.  
Joseph F. Blackman, Parsons.

## WISCONSIN

Joseph Schmidkofer, Chilton.  
David A. Holmes, Milton.  
Clarence G. Schultz, Neenah.  
John P. Snyder, Oconomowoc.

## WITHDRAWAL

*Executive nomination withdrawn from the Senate June 14  
(legislative day of May 13), 1935*

## POSTMASTER

Thomas S. Starodoj to be postmaster at Ware, in the State of Massachusetts.

## HOUSE OF REPRESENTATIVES

FRIDAY, JUNE 14, 1935

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

We withdraw again, our Heavenly Father, to the gray and solemn ministry of the cloud. Encircle it with a rainbow; walk again upon the troubled waters and breathe upon us the spirit of the world to come. Bless us with the morning that shall enable us to look to the fulfillment of tomorrow. A heavy hand has been laid upon us. Another Member has been removed from our congressional family. Buoyant of spirit, schooled by training, and a wise counselor. Help the sorrowing hearthstone to feel the sympathy that comes from the rent in Thine own heart. Hide the gloom of the present through the gladness of the eternal promise: "Though the earthly house of this tabernacle be dissolved, we have a building of God, a house not made with hands, eternal in the heavens." O Thou of infinite love, Thou of the burning purity, let the star of Bethlehem light up the stairway that leads to the Father's paradise. In our Savior's name. Amen.

The Journal of the proceedings of yesterday was read and approved.

## PORT CITIES IN OUR INTERNATIONAL RELATIONS

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a speech made by Hon. Cordell Hull, Secretary of State.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

Mr. SNELL. Mr. Speaker, reserving the right to object, what is the speech about?

Mr. RANKIN. It is a speech on the port cities and our international relations.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. RANKIN. Mr. Speaker, under permission granted me to extend my remarks in the RECORD, I am inserting an address delivered by the Honorable Cordell Hull, Secretary of State, before the Conference of Seaport Cities on International Trade, in New York City on June 12, 1935.

It is one of the most masterful presentations of our international relations, especially from a standpoint of economic recovery, that I have ever read. It shows that we have at the head of our Department of State a real statesman, who not only compares most favorably with the leading premiers of the world but a man who has a thorough grasp of the great economic and international problems with which the world is now grappling.

I hope every Member of the House and every Member of the Senate reads this address carefully. I wish it could be read by every citizen and every student throughout the land. For, in my opinion, it points the way to world recovery and to world peace.

Secretary Hull's address follows:

I am very happy to have the opportunity to address this great convention, called for the purpose of promoting the interests and development of the ports of the United States. The prosperity of our port cities and the rebuilding of our foreign trade occupy an important place in the larger and broader program of our whole international economic relations.

We are met in the greatest port of the world, a port which handles more tonnage than any one of its great competitors in England, on the European Continent, or in the Orient. Boston, Philadelphia, Baltimore, Norfolk, New Orleans, Galveston, Los Angeles, San Francisco, and Seattle rank high in the list of important world ports, along with London, Hamburg, Rotterdam, Antwerp, Liverpool, Singapore, Hong Kong, and Shanghai.

There are, all told, more than 300 ports in the United States through which our trade with foreign countries passes. The volume of commerce passing through these ports reflects and, in turn, reacts upon the prosperity of the entire Nation. Between 1929 and 1933 the cargo tonnage of water-borne imports and exports declined from 108,000,000 tons to 59,000,000 tons. A recovery of the tonnage of exports and imports to the predepression level would give tremendous stimulus to economic activity throughout the length and breadth of the entire land.

Railroads and trucking firms which carry the goods from the centers of production to these three-hundred-odd ports and in turn back again to the various centers of consumption would experience a tremendous stimulus if we could again recover the volume of port traffic, approximating the 52,000,000 or 53,000,000 tons handled by the Atlantic ports prior to the depression, the 23,000,000 tons handled in the Gulf ports, the 16,000,000 or 17,000,000 tons in the Pacific ports, and the 16,000,000 or 17,000,000 tons handled in the ports of the Great Lakes region. New activity would be stimulated in the repair plants and shipbuilding yards; the business of exporting and importing firms, shipping offices, insurance houses, brokerage houses, and foreign-exchange institutions, and the employment by these firms of hand and brain workers would be increased. This activity would be carried back in the various processes of production for the export market and in all the intermediate distributive stages handling both export and import goods. The activity of our port cities has been in the past an index and barometer of the economic health and prosperity of the entire Nation. This will continue to be the case in the future only if we turn our backs definitely away from the doctrine and practice of self-sufficiency and economic nationalism which has gripped the world so mightily and disastrously in the last few years.

An indication of the greatly increased business that the trade-agreements program may be expected to bring to American ports and shipping is afforded by the results of the Cuban agreement. Our exports to Cuba during the first 7 months in which the agreement was in force, from September 1934 to March 1935, amounted to 645,000 tons, against only 365,000 tons during the corresponding period a year earlier, an increase of 77 percent. Between the same periods our imports from Cuba increased from 1,305,000 tons to 1,804,000 tons, or by about 38 percent.

Trade agreements have been signed with 5 countries and negotiations are in progress with 13 other countries. These 18 countries accounted in 1934 for 39.1 percent of our exports and for 45.5 percent of our imports on the basis of value. On the assumption that these agreements, now completed or actually being negotiated, will increase trade on an average only one-half as much as the increase which has resulted from the Cuban agreement, there would be added in the course of a year some 7,000,000 or 8,000,000 tons to our export and import cargoes. Several million additional tons to the total cargo entering and leaving our ports would have no mean significance for the prosperity of our port cities. But this is merely the beginning. The full fruits of our trade agreements will not be seen in the first few months. The cumulative effect, reacting upon world-wide prosperity, will, I hope and believe, carry our foreign-trade tonnage back to the full high level of former times. This is the prize which the successful pursuance of the trade-agreements program holds out to those interested in ports and in the shipping of the United States.

The close relationship of the rise and power of port cities to the development and spread of civilization is well known to all students of history.

The remains of ancient harbor works have been found in Crete, attesting the commercial intercourse between Crete and Egypt nearly 4,000 years before the Christian era. As early as the thirteenth century B. C., the Phoenicians built harbors at Sidon and Tyre, and, on the basis of the commercial intercourse thereby developed, a great civilization was reared. The numerous harbors developed in the Mediterranean Basin in ancient Greece and Rome constitute the foundation upon which was erected the great commercial development and the glorious culture of ancient times. The Middle Ages were stirred from intellectual stagnation by the commercial intercourse and contact with the eastern world which followed in the wake of the Crusades. The unparalleled splendor of the Renaissance, its arts, literature, and early scientific inquiries, had its material basis in the great Italian ports and in the wealth born out of a radiating network of world-wide commercial relations. The association of the trading towns along the Baltic, known as the Hanseatic League, continued in full

strength for over 3 centuries. The impetus given to commerce by this remarkable association of maritime towns carried trade to all points within the Baltic Basin, west to England and east to Russia, and served as an outpost and connecting point to older trade routes on the Continent and to the Far East. The regional headquarters of the Hanseatic League lived on into modern times in Antwerp, Bergen, and London, until finally its influence was swallowed up in the great commercial development of the eighteenth and nineteenth centuries, and in the growth of national sentiment and control.

In the New World also port towns played a great role in economic development. In 1609 Henry Hudson sailed up the great river which bears his name and in the next year a beginning was made of the rapidly flourishing Dutch trade in furs with the Indians. Thus developed the earliest beginning of the great port of New York, first in the rich trade with Holland, and later in the trade with the southern English colonies and with the Antilles. With the coming of English control the ports of New York, Boston, and Philadelphia shared in the rapidly growing and world-wide expansion of British commerce. In addition, there developed the enormously important port of New Orleans, which served the great inland territory later to be added to our great domain.

These great ports served a vital function in the development of the colonial period and in the early years of the Republic. Trade was vital to the very life of the New World and synonymous with the economic progress of the new nation. The tonnage of the vessels engaged in foreign trade in the port of New York alone increased from 18,000 tons to 146,000 tons in the 12 years from the formation of the Federal Union to the turn of the century.

History is replete with illustrations of nations which have languished and perished in consequence of a hermit policy, and in consequence of restraints and prohibitions placed upon intercourse with the outside world. The building of docks, quays, wharves, warehouses, terminals, and merchant fleets, the development of lines of commercial intercourse reaching out into all parts of the world—these activities form the first stage in the economic development of new countries, and continue, after industrial maturity has been reached, to furnish the means for expansion and progress.

An address on the subject of our foreign trade and our ports would not be complete without some mention of the act approved by the President on June 18, 1934, providing for the establishment, operation, and maintenance of foreign-trade zones in ports of the United States. This act provides that in each port of entry there may be established, after due authorization, a zone into which goods may be imported without being subject to the customs laws of the United States and in which they may be stored, broken up, repacked, assembled, distributed, sorted, graded, cleaned, mixed with foreign or domestic merchandise, or otherwise manipulated. Because of the large amount of preparation required, no foreign-trade zone has thus far been established, but it is hoped that before long the facilities provided by this act may be availed of. While it is not to be expected that the establishment of foreign-trade zones will greatly add to the volume of our foreign trade, a gradual development of our reexport business may be expected to result from them. The act authorizing these zones opens up an additional field of profitable business for our people.

Our great port cities have a peculiarly vital interest in our neighbor countries on this great hemisphere. The friendly relations promoted and encouraged at the Montevideo Conference continue to bear fruit. A spirit of cordiality, confidence, cooperation, and good will, is steadily gaining ground between the countries of the new world, and this spirit of friendship cannot fail to bear fruit in the material and cultural advance of all these nations. The port cities can play their part in dissipating misunderstanding and prejudice and in nurturing the spirit of cooperation, mutual confidence, and respect between the United States and other American countries. This country will not turn back from the policy of the good neighbor, manifested at Montevideo and supported day by day by new evidences of cooperation and good will.

May I at this point take the occasion to say a word about two fallacies that are being worked overtime by lobbies and unfair opponents of our trade-agreements program. I refer first to the misconception which has become more or less wide-spread with respect to the recent imports of agricultural products and particularly grains and fodders. Let me say at once that for many years back we have year by year imported a limited quantity of grains, meats, vegetables, and dairy products, and even cotton. There are special reasons for this, such as seasonal factors, special varieties, transportation costs, etc. The proportion of imports in relation to the total domestic production has always been insignificant. Moreover, we have normally exported enormously more than we imported.

With respect to the recent imports, the fact is that our imports of dairy products, vegetables, meats, and fruits were in the 8-month period from July 1934 to February 1935, inclusive, considerably smaller in quantity than in the preceding 10-year average for the like period. Only in feeds and fodders is the importation greater than in former years. This increase in imports is due to the calamitous drought which reduced the production of grain products to almost a half of its normal level. The small restriction of output due to the A. A. A. amounts to less than 5 percent of normal production, while the drought reduced the normal supply by 45 percent. Farmers in need of feed grains for livestock and poultry have urgently needed the dribbles of imports that have come in. How small these imports are can be seen when I tell you that these slight importations offset by less than 2 percent the shortage created by the drought.



I make this brief observation because it has been alleged that our trade-agreements program is flooding our domestic market with foreign agricultural products. This is not the case. Indeed, these importations have come in over the tariffs of the act of 1930, which in the case of these products have not been touched by any trade agreement.

In our trade-agreements program we are faithfully bearing in mind all sections of agriculture and industry in the entire country. We scrutinize with the utmost care every item of our trade with each country with whom we negotiate. We have gone far enough in our program to know that mutually profitable trade can be materially increased. Such trade expansion reacts cumulatively to the advantage of the whole country by increasing the volume of purchasing power and thereby expanding both the foreign and the domestic market for our agricultural and industrial products.

The second fallacy to which I wish to allude is the "buy at home" slogan. It is used by nationalistic and isolationist groups throughout the world. It is intended virtually to prevent imports into any country, no matter how desirable. Carried to its logical conclusion it would mean the end not merely of imports but of exports as well. A nation must buy if it wants to sell. "Buy American" really means: Don't sell abroad any cotton, tobacco, lard, fruits, automobiles, electrical and agricultural machinery, or other burdensome surpluses. In reality it means: Destroy the prosperity of large sections of our agriculture and our export industries, and with them the prosperity of our great port cities.

We have reached a critical period in the progress toward worldwide recovery. In this country and in some others substantial progress has been made. But in the world as a whole recovery thus far has fallen short of the desired goal. It has proceeded by fits and starts and recurring recessions. The millions of unemployed, the low level of productive activity, the continued stagnation in the heavy-goods industries, and the insignificant advance made in the physical volume of world trade attest how really inadequate is the progress thus far made. And when one looks at the international situation, it is not difficult to see some of the weighty reasons why these unwelcome facts confront us.

There are a number of fundamental conditions without which a full measure of industrial recovery in any important country is not possible. In the first place, there must be present a material basis for recovery in the revival of demand in the capital and durable goods industries and in the whole range of constructional activities. After 6 years of depression we have reached a point in this country, for example, in consequence of the accumulated need for replacement, repairs, and renewals, and in consequence of the continued development of new techniques, new processes, and new products, which foreshadows an enormous improvement, a great forward march, in the heavy capital goods industries. Thus the material and technological condition for a sustained and pronounced revival is, I believe, present.

In the second place, there is needed a better balance in the domestic cost-price situation. Costs in certain important heavy and constructional industries are abnormally swollen. We have not yet worked our way down to bedrock. A large section of our industry is maintaining an artificial price situation, is endeavoring to move forward under the heavy burden of inflated capitalization, excessive overhead charges, wasteful overcapacity, and obsolete units and equipment. Never was improvement in industrial efficiency more needed than now. We cannot hold our place in the world if industry is to rely on doles, subsidies, and other artificial arrangements which bolster up and keep alive inefficiency at the expense of the progress and expansion of the vigorous and efficient units in our economy. We must come down from our artificial stilts to solid reality if we are to achieve substantial industrial prosperity and if we are to hold our place in the world market. To this end we need renewed application of business energy and initiative.

Thirdly, we must leave no stone unturned to reach progressively a better balance in the international price structure. The world economy has been subjected to a number of violently destructive upheavals during the course of the depression. Each of these disruptions in the balance of prices has set in motion devastating waves of wild speculation which obstruct the normal processes of production and exchange.

We must minimize to the utmost possible extent the possibility of further serious upheavals. Statesmen in many countries are inquiring whether the time has not arrived when cooperation between leading countries could put an end to serious exchange fluctuations. Such action would enormously facilitate the remaining need for international price adjustments which must be made before a genuine balance has again been reached.

As progress is made in this direction, we may confidently expect a loosening of the quantitative and other artificial barriers to trade which have been erected as bulwarks of protection against the chaotic international price and monetary situation. We find a growing willingness among foreign countries to go along in our trade-agreements program to ease trade restrictions and to remove progressively the prevailing discriminatory practices. More and more, as the balance in the international structure is improved by the continued progress made in exchange stabilization, we may anticipate an accumulating movement in the direction of freeing the channels of international commerce. While we must proceed as rapidly as possible on many fronts, it is not necessary to solve all at once the many baffling problems which confront humanity at this moment in the field of international economic relations.

The final thing which is needed to bring about recovery, without which the material technological basis and the price balance just referred to become mere dead mechanisms without vital driving power, is the resurgence of the spirit of enterprise based on re-

newed confidence. Business calculations with respect to the expansion of investment activity depend not merely upon the technical needs of industry, upon cost and price relationships, but also upon confidence in the workability of human institutions, in the facilities and safeguards provided for both old and new enterprise, and in sufficient flexibility of costs and prices so that the efficient unit can go forward unhindered by the fetters imposed by abnormal restrictions upon production or by arbitrary rigidities in costs and prices. It is most gratifying in this connection to observe an improvement in confidence and in business in our own country. I predict this will gather large momentum in the coming months.

It is of utmost importance that we seek by every means at our disposal to solidify and make more secure the stability thus far reached and to facilitate continued progress toward an improved international situation. But there are some ominous tendencies present in the world which, if persisted in, cannot fail to bring disaster and to undo whatever progress has thus far been made toward greater world stability. We witness all about us a reckless competitive building up of armaments, a recurrence of the mad race which prior to 1914 led the nations of the world headlong to destruction. If persisted in this course will again plunge the world into disaster. If it remains unchecked, we shall witness national bankruptcies, hopelessly unbalanced budgets, and consequent inevitable inflation, together with the utter destruction of such measure of national stability as has thus far been achieved. The world cannot extricate itself from this relentless circle if it does not stop its extravagant military expenditures. International sanity requires both military and economic disarmament.

Isolationism has been tried and found wanting. It has destroyed \$22,000,000,000 of international trade. It leaves every nation struggling as best it can to save for itself whatever it can from the general wreckage. The resulting international situation which confronts the world today gives cause for grave concern to every thinking person. We cannot afford, after years of experience, to discount its powerful effect upon peace, economic security, and stable governments everywhere. The issues involved are enormously greater than the petty interests of this or that industry in tariff protection. The explosives packed in the current nationalistic tendencies may result, as they have resulted, in the further disorganization of social and economic fabrics.

Facing these threatened dangers, however, I have faith in the great traditions and strength of our American civilization, and I also have faith that statesmanship will, before it is too late, respond to the world crisis and find a workable solution.

#### PEACE HATH HER VICTORIES

Mr. KNUTE HILL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a speech by our colleague the gentleman from Minnesota [Mr. CHRISTIANSON], made on June 8, which demonstrates how Sweden settles its difficulties without going to war.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. KNUTE HILL. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following address of Hon. THEODORE CHRISTIANSON, of Minnesota, at Pocono Pines, Pa., June 8, 1935:

We are gathered here to observe the thirtieth anniversary of the separation of two peoples, closely related, that from time immemorial have lived side by side on the Scandinavian Peninsula. Personally, I have seen neither Norway nor Sweden. Like my father before me, I was born in Minnesota. It is 85 years since my paternal grandparents, in obedience to an instinct which for unnumbered ages had prompted men and women of their blood to sail in ships out of Norwegian fjords into the sea, left their ancestral homes to seek more room and wider opportunities in a new land. I assume that most of you, like myself, are far removed from the European scene. You have become warp and woof in the fabric of America.

Nevertheless, although we belong wholly to this country, we cannot separate ourselves entirely from the Old World. We are the inheritors of traditions which have been brought to these shores. The British, the Irish, the French, the Germans, the Dutch and the Scandinavians came during the formative period; they contributed not only most of the blood of America, but most of its traditions and institutions. These peoples, and the others who followed, are a part of us, as we are a part of them. Nothing can happen to them that does not in a measure concern us.

It does not evidence, therefore, any narrow clannishness that we gather here to recall an event of historic importance and wide significance that brought honor and credit to our kinsmen across the sea, any more than it convicts a man of chauvinism, of whatever nationality his ancestors may have been, to observe Magna Carta day, to wear a sprig of shamrock in one's coat lapel, to thrill at the Marseillaise, to attend a performance of Goethe's Faust, or to drink Italian wine in commemoration of Christopher Columbus.

In order to understand what happened on June 7, 1905, it is important to know something of the history of the union between Norway and Sweden, which was severed on that day. The partnership under which these two countries had shared one king for 90 years, was one of the byproducts of the Napoleonic wars. King Gustavus IV of Sweden, sharing the prejudice of many of the reigning monarchs of his day against the young upstart from



Corsica, mixed in the European melee, and paid for it by losing Finland to Russia. The Swedish people thereupon rid themselves of their king and in due season placed in the line of succession to the throne the son of an obscure French lawyer, who as a young man had enlisted in the marines as a private and, following the rising star of Bonaparte, had become Marshal Charles Jean Bernadotte of France. The new crown prince, who, when he became king of Sweden assumed the title of Charles XIV, repaid his former leader by joining the European coalition against him, cast the deciding die at Leipzig, and claimed for his reward the crown of Norway, which for 433 years had rested somewhat easily on the head of the King of Denmark. Norway, Bernadotte thought, would be a fair recompense for Sweden's loss of Finland.

It was not difficult to persuade the great powers, for by transferring Norway from Denmark to Sweden they would not only recognize adequately Sweden's assistance in putting Napoleon in his place, but inflict a fitting punishment upon Frederick VI of Denmark for the latter's obstinate attachment to the French emperor. Accordingly on January 14, 1814, by the Peace of Kiel, the assignment was made by a group of diplomats who did not scruple to confer what was not within their power to give.

The Norwegian people had, for some time, been considering separation from Denmark, and some of the national leaders had even been planning to bring about a union with Sweden; but when the European powers sought to accomplish that union by giving the Norwegian crown to the Swedish King as a pawn of war, the spirit of nationalism burst into flame and swept over the land. Christian Frederick, Prince of Denmark, who at the time was Viceroy of Norway, undoubtedly did his best to fan the fires. He denounced the peace of Kiel, declared that Norwegian sovereignty resided only in the people, and stepped to the front as the leader of a nationalistic movement.

On April 10, 1814, 112 representatives of the people met at Eidsvold. They assigned to a committee of 15 the duty of drafting a constitution. The instrument that resulted from their labors was liberal without being radical. A British commentator has declared: "There is not probably in the history of mankind another instance of a free constitution not erected amidst ruins and revolutions, not cemented with blood, but taken from the closet of the philosopher, and quietly reared and set to work, and found to be suitable without alteration to all ends of good government." The reason for the success which attended the work of these constitution makers was that what they wrote merely put into words principles and procedures which had long been followed. "The new constitution was but a superstructure of a building of which the foundations had been laid and the lower walls constructed 8 centuries before."

The assembly formally adopted the constitution on May 17, 1814, and on the same day elected Christian Frederick king of Norway. The reign of the new king was short, lasting only 143 days. The former marshal of France, backed by the great monarchs of Europe, invaded the country. Colonel Krebs and his 2,500 Norwegians won brilliant victories at Lier and Matrand, but Christian Frederick's little army could not hope to stand for long against Swedish veterans commanded by one of the greatest warriors of Europe. Bernadotte, showing that he was a statesman as well as a soldier, refrained from pressing his military advantage, offered an armistice, and agreed to accept the Eidsvold constitution with such modifications as were required to effectuate a dynastic union between Norway and Sweden. On August 14, 1814, at the Convention of Moss, the offer was accepted, subject to ratification by the Storting. The Storting met on October 7, and 13 days later, by a vote of 72 to 5, agreed to accept the terms of the convention. Christian Frederick reluctantly surrendered his crown and returned to Denmark.

The act of union, which was approved by the Norwegian Storting and the Swedish Riksdag the following year, like the Norwegian constitution recognized the union as resting, not on the Treaty of Kiel, but on the free consent of the Norwegian people. It recognized also the complete equality of the two kingdoms. It constituted, therefore, a renunciation of the Treaty of Kiel—a fact which must be borne in mind if one wishes to understand the issues involved in the separation which occurred 90 years later.

Within two decades after the union with Sweden was consummated there was launched a movement which was due to influence Norwegian thought profoundly. Norway's literature heretofore had drawn its inspiration from abroad; it had been basically Danish. Henrik Wergeland, the poet, initiated a new trend. He conceived the idea that as the men of Eidsvold had asserted the nation's political independence, Norway's poets and thinkers must establish its cultural independence. He proceeded to draw his literary material, not from classical sources as the Danes and their Norwegian imitators had been wont to do, but from the life of Norway's rural people. He also scorned the current literary forms and incurred the criticism of the patrician Johan Sebastian Welhaven. Between the two a literary feud developed, which shortly divided the nation in two schools of thought. On the one side, with Wergeland, were ranged the common people, who became infected with his fierce nationalism; on the other, back of Welhaven, stood the official class—the defenders of the status quo. The controversy spread from the literary to the political and sociological front. Out of it eventually came the cleavage between the Party of the Left and the Party of the Right. The conservatives were disposed to support the king and the union with Sweden; the liberals, on the other hand, were fierce nationalists, who fought unceasingly to extend Norway's autonomy.

Ivar Aasen led a movement for the substitution of the local dialects, the "language of the common people", for the literary Danish, which to him was the sign of an ancient bondage. He raised the colloquial speech to a new dignity by reducing it to grammatical form. His work did not find general acceptance, but he succeeded in initiating a movement which has given to the Danish language as used in Norway a distinctly Norwegian flavor.

In 1850 Ole Bull built in Bergen a theater, of which Henrik Ibsen became stage manager, and the following year Bjornstjerne Bjornson, then of youth of 23, collaborated with Ibsen and others in establishing a national theater in the capital, in which Norwegian actors were to present Norwegian plays. Bjornson described the institution as "an outpost of nationalism against foreign supremacy." In 1857 Bjornson revived the Wergeland tradition by publishing Synnøve Solbakken, a novel which glorified the life and character of Norway's rural folk. He was joined by a galaxy of young writers, among whom the most conspicuous were Jonas Lie, Alexander Kielland, and Arne Garborg, who attacked social wrongs and pleaded for a better social order. Edvard Grieg and his contemporaries established a distinctly national school of music. Perhaps the most significant result of the work of these and other men of creative genius was that it developed in the people a new confidence in their native culture. Out of that confidence sprang a national consciousness which paved the way for the events of 1905.

In 1572 the King of Denmark had established in Norway the office of statholder, or viceroy, which served as a connecting link between the crown and the government. That office had been retained when the King of Sweden became King of Norway in 1814. In 1873 the Storting passed a bill abolishing the office and establishing in its place that of prime minister. The next step to make the Government responsible to the people was taken a year later when the Storting passed a bill requiring ministers of state to be members of that body and responsible to it. Oscar II vetoed the measure. The next Storting repassed the bill, as did a third, and each time the King interposed a veto.

According to the terms of the constitution of 1814, a bill passed by three Storthings became a law, notwithstanding the King's objection; but the ministry nevertheless refused to promulgate the measure, taking the position that it amended the constitution and was therefore subject to an absolute veto. The Storting thereupon impeached the entire ministry and removed it from office. The King finally yielded, after the measure had been so amended as to provide that members of the ministry should be eligible to election to the Storting from districts in which they were not resident. Through the new constitutional amendment Norway got a cabinet form of government and stepped into line with the most advanced democratic states in Europe.

If the equality stipulated in the act of union had been recognized in practice as it had been acknowledged in theory, there probably would have been no separation of Norway and Sweden in 1905. But, unfortunately, it was not. The Norwegian Constitution was defective in that it made no specific provision for the conduct of foreign affairs; accordingly the King was left with a free hand in the appointment of diplomatic and consular representatives. Inasmuch as there was no Norwegian agency through which he could operate, he acted through the Swedish Minister of Foreign Affairs. Until 1836 the nomination of consuls, who represented Norway and Sweden jointly, was made in actual practice by the Swedish Council of State. Thereafter consuls were nominated by a joint council of State, upon which both countries were represented. In 1842 it was agreed that all commercial treaties which concerned both countries should be ratified by this composite body.

Until 1885, despite occasional controversies, the plan worked. But during that year Sweden incorporated in her constitution a section which provided that all questions of foreign policy should thenceforth be decided by the Swedish Foreign Minister. The effect was to subject the King of Norway and Sweden, while acting on matters which concerned both countries, to direction by the Swedish Government, while he was under no direction from the Norwegian Government. The control of Norway's foreign policy had passed into the hands of a Swedish official who was responsible only to the Swedish Riksdag. The new arrangement presented a direct threat to Norwegian sovereignty and made Norway, insofar as her foreign affairs were concerned, a vassal of Sweden.

The Swedes at once recognized the unfairness of the arrangement and offered to negotiate. They were willing to go full length in redressing the grievance. But by this time the Norwegian people, their spirit of nationalism running strong, were not disposed to accept such terms as the Swedes could afford to give. What the Norwegians had set their hearts on was a separate Norwegian foreign service.

The Norwegians felt that their shipping and foreign-trade interests, twice as great as those of Sweden, needed separate representation. The Swedes, on the other hand, feared that if Norway obtained the rights to negotiate treaties with foreign countries, she might commit herself to obligations that would jeopardize the safety of both countries. This fear was not without foundation, for one or two of the most influential Norwegian leaders had indiscreetly proposed that Russia be given an outlet to the ocean through an ice-free port on the northern coast of Norway, 18 miles from the Finnish-Norwegian boundary. If Russia, like the camel that got its nose inside the tent, effected the slightest penetration of Scandinavian soil, it would be only a question of time, the Swedes believed, until the whole peninsula became a Russian province.



I shall not burden you with all the details of the story of the 20-year effort to solve what had become an unsolvable problem. In 1892 the Storting, without consulting Sweden, adopted a resolution abolishing the joint consular service, which the King promptly vetoed. In 1895, and again in 1902, a joint commission was created to consider the points at issue. In each case the two countries agreed to disagree. To be sure, the commissioners reached an understanding; they proposed that there should be two separate consular systems, each directed by its home government, and that the relations which the respective consular services were to bear to the minister of foreign affairs should be defined in identical laws passed by the Parliaments of the two countries and not subject to amendment or repeal except by mutual consent. This proposal was hailed in both Norway and Sweden as a solution of the vexed problem; but exchanges of views between the two Governments as to what the "identical laws" should provide disclosed no common ground upon which they could meet.

The Swedish Riksdag, anxious to preserve the union, which was threatened by a rapidly crystallizing Norwegian opinion, made another effort toward a rapprochement. It invited the cabinets of the two kingdoms to negotiate an agreement providing that there should be a joint foreign minister, who might be either a Swede or a Norwegian, to whom the separate consuls of the two nations should be responsible.

The Norwegian Government refused to reopen negotiations, and the Storting, with only 10 dissenting votes, passed a bill creating a separate Norwegian consular service. The King vetoed the measure, and the Norwegian members of the Swedish-Norwegian ministry resigned. The King, realizing that he could find no one in Norway who would accept the responsibility of forming a new ministry, refused to accept the resignation.

On June 7, 1905, the ministers, headed by Christian Michelsen, the Minister of State, appeared before the Storting and gave notice of the resignation. Thereupon, without debate, the Storting unanimously adopted a resolution declaring that inasmuch as the King had no ministry through which he could act, and had declared himself unable to form one, the constitutional royal power had ceased to operate; that the King of Norway was unable to continue to function as such; and that the union of Sweden and Norway had therefore been dissolved. The Storting empowered the members of the ministry to constitute themselves a temporary government, notified the King that the union was dissolved, and asked him to consent to the election of a member of his family as King of Norway.

The events which followed this coup d'état demonstrated the wisdom and greatness of the Swedish people. There can be little doubt that with their superior wealth and population and their preponderance of military and naval strength they could have forced Norway to remain in the union. To let Norway go meant to weaken Sweden's power to resist possible aggression from outside, as Sven Hedin had pointed out in his discussions with Fridtjof Nansen. The legal question whether Norway could withdraw from the union without Sweden's consent was at least debatable. The situation was one which, between any other two nations, would undoubtedly have brought armed conflict.

On May Day, when events were quickly moving toward a crisis, 30,000 Swedish workmen marched through the streets of Stockholm, carrying banners inscribed "Justice to Norway, peace with Norway" and "Peace is secured by justice." After listening to a speaker who declared that "Sweden should treat Norway as the Swedes would wish to be treated by the Norwegians if Norway was the larger and stronger nation", the huge throng of Swedish men and women closed their meeting by singing the Norwegian national anthem.

Upon receiving notification that Norway had dissolved the union, King Oscar went through the formality of issuing a protest, but he took no step to prevent the separation. A sincere friend of peace, he refused to involve the two nations in a fratricidal struggle which would weaken and embitter both. The ministry recommended to the Riksdag that no effort be made to maintain the union by force, declaring that a union so maintained would be a source of weakness and not of strength.

The Riksdag passed a resolution offering to negotiate terms of separation after the Norwegian people by a plebiscite had indicated that they desired a severance of the union. By a strange coincidence, on the same day the Storting ordered a general election to be held on August 13, at which the question of separation would be submitted. On the appointed day 368,208 voted for dissolution, and only 184 against.

In August and September, for more than 3 weeks representatives of the two countries negotiated at Karlstad. They agreed that new fortifications, erected along the border, should be razed. They created a neutral zone within which neither country would ever conduct any military operations. They stipulated that all points at issue between the two kingdoms not involving the independence or integrity of either should be submitted to The Hague tribunal.

The Storting ratified the agreement on October 9, and 1 week later the Riksdag annulled the act of union. On October 27 Oscar II formally abdicated as King of Norway.

As American citizens, concerned about our own affairs, we should probably not be here today but for the fact that the events which I have related carry a lesson for us and for all the nations of the world. We are in the sixth year of a depression of unprecedented severity and duration. With the rest of the world we are suffering economic shell-shock from the Great War—the most destructive war of all time. We got into that war, although we had much

less at stake than Norway and Sweden had in 1905. I believe that the same thing can be said of all the other participants in that titanic struggle. An Austrian archduke was murdered by a rash Serbian youth at Sarajevo. Therefore 10,000,000 men, the very flower of the civilized world, must be murdered, too. Does that make sense? The simplest half-wit could answer that question more wisely than the statesmen of the world answered it 21 years ago.

We entered that struggle in order to "make the world safe for democracy." Disregarding the generally accepted fact that we failed utterly to attain our professed objective, let me ask what business is it of ours whether democracy is "safe" in Europe and Asia. After all, democracy is a thing that springs from within; it cannot be imposed from without. If a people is ready for it, is capable of it, and is determined to have it, that people will get it and retain it, as the experience of the Scandinavian countries, of Holland, and of Switzerland well proves.

If other countries want dictators, let them have them. It is our job to see to it that we do not allow any dictatorship at home.

The theme that flows naturally from the historic facts which we have reviewed today is the futility of war. This country has had six wars, and it is reasonable to believe that all but one of them should, and could, have been averted. The one exception was the War of the Revolution. It justified itself by making it possible for a free people to develop free institutions and to build on this continent the greatest republic of all time.

The War of 1812 was fought to defend our right to use the seas. It did not settle anything; in the treaty of peace which followed it the issue which started it was not even mentioned. It did not give us great military prestige; the only battle in it that reflected any particular credit upon us was the Battle of New Orleans, which was fought after the war was over. The National Capital was sacked and burned, and today the only remaining tangible result of the War of 1812 is that we call the President's home the White House instead of the Executive Mansion—which, I concede, is an improvement, but hardly worth going to war for.

The War with Mexico was unpopular even while it was being fought. It was excoriated by Tom Corwin and condemned by Abraham Lincoln. At that, it had the unique justification that it was the only war since the Revolution out of which we ever got anything worth having. Stripping off the cloak of righteousness with which we like to cover our nakedness, it was a war of conquest. It was the kind of war our Norse ancestors were wont to wage before they became too civilized to fight.

When we come to the Civil War I admit that I am treading on dangerous ground. It has become so intimately tied up to our emotions that anybody who questions its justification is under suspicion of not being as patriotic as he should be. But, while I concede fully that the preservation of the Nation's integrity was worth every drop of blood spilled, I shall adhere to my premise that the Civil War was one which should and could and would have been averted if the Nation's statesmanship had not been utterly bankrupt in the latter fifties. The only truly great political leader of the day was Lincoln, and he came to power only when it was already too late to avert a conflict of arms. For only a fraction of the cost of the Civil War the Federal Government could have bought every slave in the South, paying twice what his master considered him worth, and could thereby have avoided not only the war itself but the carpetbag regime which followed it.

The War with Spain, like the World War, had a euphonious name. It was called a "war for humanity." We started it because we believed that Spain was responsible for blowing up the *Maine*, which we have never been able to prove. We fed the finest young men in the country embalmed beef, killing more of them with putrid food and bad water than the Spaniards did with bullets, and emerged from the affray with nothing to show for our effort but a Pandora's box of continuing and recurring troubles.

The sixth war in which we engaged I have already mentioned. I hope it was our last war, but fear it will not be. If anybody is disposed to question the assertion that our entry into it was the most colossal blunder of our Nation during its entire history, I shall agree to abide by the vote of any intelligent adult audience in the land.

Men are supposed to learn from their past mistakes. Sometimes I wonder whether they do. Today our Government is spending more for the Army and the Navy—for the next war—than ever before in times of peace. This year Congress is making \$1,000,000,000 available for defense. By a vulgar display of naval strength in the Pacific we are helping the jingoes of Japan to get more funds for counterdefense from the Japanese Diet. Some day a spark will touch off an emotional powder magazine, and the two defensive navies, covering their camouflage of pretense with the black paint of war, will steam to some spot in waters that "lie east of Suez"; thundering guns will drop their burdens, spars will float among the waves; for a few moments the foam will be streaked with red. Then it will be said in the East that brown boys died for an emperor who was descended from some god, and in the West that white-skinned lads perished to defend some high and mighty principle that everybody talks about and nobody really understands. And a hundred years hence men delving in books and records and surveying the huge costs and insignificant consequences will wonder what in the world those boys did die for.

The time has come for us as Americans to think seriously about how we can keep out of the next war. The time has come to consider how we can preserve civilization in a world that seems determined to destroy it.



I have not come to give you the plans and specifications of a utopia, but I can suggest some things that should be done, and done at once. We should now, while the nations are at peace, redefine neutrality, rewrite the law of contraband, and recheck our ideas concerning the freedom of the seas; this we should do so that when two or more nations come to grips again we shall not find ourselves involved on one side or the other for supplying war materials or refusing so to do. We should let it be known that we do not consider warring peoples a good risk and that therefore we do not purpose to be their banker. We should serve notice upon our own citizens that we will protect their persons and their dollars so long as they keep them both at home, but that if they venture with either into zones of hostility they will do so without the backing of American battleships. We should be honest with our profiteers, telling them frankly that in the next war there will be no profits, and that if they want to spend any money for propaganda they will gain most by spending it for propaganda to keep us out. We should renew our negotiations with the great powers, seeking not only a limitation but a progressive reduction of armaments. We should show by example as well as precept that when we signed the Kellogg-Briand Pact to outlaw war we did not take the name of peace in vain.

It cannot be said of the two nations whose adventure in peaceful adjustment of international controversy we commemorate today, that they did not dare to fight. In their veins coursed the reddest fighting blood of Europe. For a thousand years their forebears scoured the seas and harassed every coast of the then known world. Their depredations made pious priests write into the ritual of the church, "From the fury of the Norsemen, deliver us, O Lord." They overran Russia and established its first dynasty, plundered palaces in Byzantium, conducted campaigns in Syria, Armenia, Palestine, Sicily, and Africa. They established colonies along the coast of Ireland, placed the greater part of England under their dominion, and exacted tribute from Alfred the Great. Under Rollo they invaded France and forced Charles III to surrender that part of his kingdom since known as "Normandy." Under Rollo's descendant, William the Conqueror, they took possession of England in 1066 and imposed the Norman upon the Anglo-Saxon culture. The history of western Europe for many centuries is the story of the exploits of tall blond warriors that came out of the North.

What accounts for the fact that the children of this fighting race became men of peace? Civilization. They not only had lost interest in war by learning its futility, but they had found that the battles that win enduring victories are the battles in which mind engages mind. So it is that the great names of Norway, Sweden, and Denmark today are not, like the Viking names of old, the names of soldiers, but of poets, composers, musicians, painters, sculptors, novelists, dramatists, historians, linguists, critics, architects, engineers, and statesmen. I wonder if we cannot find in the evolution of the people of the north a hint and a promise of what will come, as civilization advances throughout the world, to every people and every race.

The skalds, those poets and prophets of long ago, brooded on such themes as the mysteries of creation, the end of the world, and the death of the gods. They conceived of existence as a constant struggle between good and evil, light and darkness, life and death. In that final tragedy known as "Ragnarok", fate decreed that Odin, Thor, and most of the other gods and heroes of Valhalla would be slain. The sun would darken, fire consume the land, and the sea engulf the earth. But out of the waters would arise a new world, verdant and fruitful, where evil could not intrude, where there would be no more war, and there peace and righteousness would prevail. There a new race of men would appear, to live with the gods that had survived Ragnarok; and over them all would reign a new God, whose name no one dares speak—whose name, indeed, no one knows.

Man's most inspiring hope today is that this dream of the skalds was not merely a poetic fancy but a true and glorious prophecy.

Mr. MARTIN of Colorado. Mr. Speaker, I ask unanimous consent to proceed for 1 minute in order to explain my absence on two roll calls.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. MARTIN of Colorado. Mr. Speaker, on roll call 93 of June 12 and on roll call 94 of June 13 I was necessarily absent, due to the fact I was acting as chairman of a subcommittee of the Interstate Commerce Committee of the House, which committee was holding hearings on the Pettengill long-and-short-haul bill during the absence of the subcommittee chairman, the gentleman from Indiana [Mr. PETTENGILL], who was acting in a similar capacity on a subcommittee having in charge the holding company bill.

#### ANTILYNCHING

Mr. MORITZ. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a radio address of my own.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MORITZ. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following address which I delivered over the radio:

Friends, I deem it a rare privilege to address you on a practice that has gone farther toward destroying our civilization, returning to an age of persecution and barbarism, and destroying the finest principles of Americanism than any plague that had ever infested this country.

I refer to that despicable, cowardly, criminal form of lawlessness that should be ranked as public enemy no. 1 of law and order, namely lynching.

We shudder as we review the dark, dim days of Salem witchcraft when superstition condemned many innocent victims to horrible death, to the days of the guillotine when human beings were beheaded to satisfy the whim of some monarch. Yet in this year of our Lord, 1935, we tolerate—and in some instances uphold—the mob that steals in under a blanket of darkness, defies the very law created for our protection, and condemns to horrible death some poor soul without so much as a hearing.

Why do I approve of an antilynching law?

Because I, like you, am an American citizen and a believer of the principles upon which our democracy is founded.

It is my firm belief that the one outstanding creed, not only of our Government but also of humanity, decrees:

"A man is innocent until proven guilty."

You can imagine the emotion, the heartache, and heartbreak of some poor mother or wife and family whose loved one is spirited away by the human wolf pack and hung by his neck until dead—a gruesome, horrible death, instigated by human vultures—on suspicion, and suspicion alone, mind you.

My very heart bleeds for many innocent souls who have passed to the great beyond without so much as a trial, the trial that God intended even the humblest should receive.

Have we entered an era of intolerance, returned to an age that mocks law and order, and steeled ourselves to the point that we can view with indifference the most damnable, most unfair, and most barbarous practice known to mankind?

Can the United States of America, after setting an example of Government that the entire world respects, conscientiously condone the cold-blooded, first-degree murder of a blood-thirsty, inhuman pack of monsters who laugh in the face of those who have founded our democracy and in doing so have guaranteed the constitutional protection which every citizen of this great Republic, regardless of creed, race, or color, is rightfully entitled?

I say no, and, in doing so, voice a most emphatic no.

It is my honest belief that those whose hands are stained with the blood of one not proven guilty in a court of justice should be punished accordingly, should be charged with the murder they have committed, and should be punished to the fullest extent of the law.

It is time, good friends, that this most dastardly, most cowardly, and most repulsive form of crime be abolished. The time is ripe when we, as a people, should turn upon the wrongdoers who are responsible for this premeditated form of murder and show these mobs, for once and for all, that we are not a race of savages who will tolerate the taking of a man's life without first granting him the trial that both God and man intended he should have.

It is time, and good time, that we should strike back at those whose victims have no chance to fight back and to uphold the very ideals that years ago prompted our forefathers to go to war with a great empire and gain the independence, liberty, and square deal denied us while under European yoke.

Before proceeding further, may I, with your kind permission, cite an outstanding example of patriotism, courage, and respect for the law that will live long in American annals.

I refer to that heart-broken and most gallant hero and father, Col. Charles A. Lindbergh, whose babe in arms was so cruelly kidnapped and murdered a few years ago.

Would it not have been an easy matter for Lindbergh's far-reaching influence and personal popularity to have incited a flaming mob spirit and have caused the horrible death of a suspect since proven guilty and condemned to death in a court of law?

Yet what action did he take?

None whatever save to mask his emotion, conceal his suffering, and with his head up and heart every bit as stout as when he made history by spanning the Atlantic, say:

"I want this man (with whose identity you undoubtedly are familiar) to receive a fair trial." Yet, there are those who, for far less reason, frequently no reason at all, are so steeped in prejudice, so small of heart, so deprived of character, and so contemptuous of your law and of my law that they will, brazenly and defiantly, seize a man from the very portals of justice, beat him and curse him, inflict upon him multiple tortures too horrible to mention, and hang him by the neck until he is a lifeless, inanimate, cruel testimonial of unspeakable barbarism.

Yet, good friends, it is within our power to put a stop to this terrible foe of civilization, to prove for once and all we are solidly behind the Government we love and to eradicate, for once and all, this public enemy no. 1 of the United States and civilization, the lyncher.

In much the same fashion that our Department of Justice has virtually eliminated the kidnaper, has jailed, and in some instances legally put to death, the gangster element, and has subdued the gunman and murderer in hand-to-hand battle, it also can take steps which will prove for once and all that we, as a people,



will not tolerate (much less sanction) the taking of a life by those with no authority to do so.

My friends, in all humility, I have tried to present facts as I see them. I have tried to reveal the horrors, the injustice and the sorrows caused by those half insane, half inhuman citizens who, unless we act and act quickly, will continue the reign of horror that has been created through this most contemptible and most cowardly of all practices—lynching.

I can only recommend measures that would put an end to a throw-back to the tortures our forefathers opposed so vigorously while banding us into the greatest nation on earth while shedding their blood. In other words I heartily recommend an antilynching law, a law that will punish the offenders and prove to the whole wide world that the United States of America, my United States and your United States, can enforce its own laws, inflict its own penalties, and exercise its own rights without interference of those who strive to tear down the very foundation upon which our Constitution is founded, namely the creed that: "A man is innocent until proven guilty."

And that guilt, mind you, can be proven only in a court of law and not by a band of murderers who would defy all principles of rationalism and Americanism.

#### PERMISSION TO ADDRESS THE HOUSE

The SPEAKER. Under the special order of today the gentleman from California [Mr. HOEPEL] is recognized for 10 minutes.

Mr. HOEPEL. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD and to include therein three verses of a poem, Our Flag.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HOEPEL. Mr. Speaker, today is the one hundred and fifty-eighth anniversary of the adoption of our flag. Our flag was officially born when George Washington and two compatriots, as representatives of the Continental Congress, called on Mrs. Betsy Ross in Philadelphia and left an order for a flag. It would be futile for me or anyone else to attempt to express in mere words the symbolic value of the Stars and Stripes and what our flag means to us as citizens of a great republic. I fear, however, that too many visualize our flag as more or less the symbol of the veteran rather than the symbol of citizenship.

As a veteran of two wars, I make the assertion without apology that each and every one of us has a sacred obligation to the flag, the symbol of our national life, and that even though the majority of our citizens did not have the opportunity and honor of serving our Nation in war in the military or naval service, nevertheless the spirit of sacrifice and patriotic devotion evidenced by the nonveteran has equaled, if not in some instances eclipsed, that of the veteran himself. In simple justice we cannot ignore the sacrifices and the heroism of the mothers of our race, who instilled patriotism and love of country in the hearts of their children from infancy and who thus lend impetus to the determination of the manhood of America to defend right and justice through every hazard. This debt which we owe to the mothers of our race should be gratefully acknowledged on this anniversary of the birth of our flag. The fortitude, patience, and hope which are evidenced by the youth of America today, passing as they are through a most serious economic crisis, portrays, as nothing else can, the high type of citizenship inculcated in the young, inspired, as we know it to be, in the family circle, through the love of God, country, and flag on the part of the parenthood of America.

The cross and the Bible, the two basic symbols of Christianity, are of no avail unless we reflect in our daily lives the precepts based upon their acceptance. Similarly, our Declaration of Independence, our Constitution, and our flag are symbols of American ideals of liberty and justice and we attain to the heights of citizenship, rightfully predicated upon these principles, insofar as we apply them in our daily contact with each other as citizens. We give further confirmation of these principles as we apply them in our relationship with other nations of the world.

Harry L. Burgess, of California, a comrade of mine and a member of the Veterans of Foreign Wars, has written a poem which I ask leave to insert in the RECORD at this point, since it strikingly personifies the flag in our daily lives and voices the sentiments I have here sought to express.

#### OUR FLAG AND YOU

I am whatever you make me,  
And nothing, nothing more,  
I am your belief in yourself,  
The heights to which people may soar;  
I live a life of various moods,  
And of passions that urge and lag,  
At times I rear myself with pride,  
I am the American flag.

When purpose departs and I droop in shame,  
And my judgment goes astray,  
Still I am all that you hope to be  
As you toil from day to day;  
I am song and fear, and ennobling hope  
That should never, never sag,  
I am the Constitution, the courts and the law,  
I am the American flag.

I swing aloft with colorful gleam,  
A symbol of your own self,  
My stars and stripes are your fondest dreams,  
Devoid of pilfer and pelf;  
They are bright with courage and resolute faith,  
When you do not permit them to drag,  
I am made from your true hearts and righteous souls  
I am the American flag.

#### THE OLDEST LIVING DEFENDERS OF THE FLAG

While we pay just homage and tribute to our flag and to the defenders of the flag who have passed on, it is proper and appropriate that we also pause to consider and pay tribute to those yet alive who have contributed so much to maintain the honor and prestige due the United States as a nation and the flag which symbolizes it.

It is indeed an honor to me to have this opportunity of reciting the distinguished military service of Brig. Gen. Aaron Simon Daggett, retired, who was born June 14, 1837, at Green Corner, Maine, and who thus today celebrates his ninety-eighth birthday. He is the oldest officer on the retired list.

General Dagget enlisted on April 27, 1861, as a private in Company E of the Fifth Maine Volunteer Infantry, and was commissioned second lieutenant 4 days later. He was promoted to first lieutenant May 27 and to captain August 15 of the same year, 1861. He is a veteran of the Civil War, the Indian Wars, and the Spanish-American War.

He participated in 18 battles of the Civil War, commencing with the First Battle of Bull Run July 21, 1861, and including the Battles of West Point, Gaines' Mills, Goldings' Farm, White Oak Swamp, Second Battle of Bull Run, Battle of Crampton's Gap, Antietam, and Fredericksburg, Va.; Second Battle of Fredericksburg, Salem Church, Gettysburg, Rappahannock Station; operations at Mine Run; Battles of the Wilderness, Spottsylvania, Cold Harbor, and Petersburg. At Spottsylvania he was wounded at the "bloody angle", and he was again wounded at Cold Harbor.

He was brevetted major "for gallant and meritorious services in the Battle of Rappahannock Station, November 7, 1863", and was later brevetted lieutenant colonel "for gallant and meritorious services in the Battle of the Wilderness." After the war he was brevetted colonel and brigadier general, United States Volunteers, "for gallant and meritorious services during the Civil War."

After the Civil War, he was commissioned captain, Sixteenth Infantry, and served in various parts of the United States until June 1898, when he embarked, with his command, with the American army of invasion for Cuba.

He participated in the Battle of San Juan, Cuba, in July 1898. Following this, he served in the Philippine Islands where he participated in the battles at Imus River and Bacoar. He served in China with the Chinese Relief Expedition and was recommended for "gallantry in the Battle of Yangtun, China, August 6, 1900, and for energy and good judgment in the attack on Peking, China, August 14, 1900, and for gallantry and excellent supervision of the attack on the gates of the Imperial City, August 15, 1900."

In the Chinese Relief Expedition, American troops served for the first time in our history with allied troops. The very creditable manner in which our troops comported themselves on the field of battle is described in a volume published in 1903 by the Hudson-Kimberly Publishing Co., of Kansas City, Mo. In this volume, General Daggett, then

colonel of the Fourteenth Infantry, with his command, is credited with being the first to scale the walls of Peking and the first to open the gates to bring relief to the beleaguered legations and populace, notwithstanding that one of the armies of the allied forces participating endeavored to attain this objective first, but they were repulsed.

The report recounts that Battery F of the Fifth Artillery, commanded by Captain Reilly, who was killed in the attack, shelled the gates preparatory to the action. During the bombardment, General Chaffee was in command of the American troops. Addressing a remark to Captain Leonard, now Major General Leonard, retired, General Daggett stated, "I believe that wall can be scaled." His enlisted trumpeter, Calvin Titus, now Colonel Titus, retired, spoke up, "If you wish, I will try it, sir." General Daggett consented. Titus leading, the Fourteenth Infantry men were soon on top of the wall, and after stopping the Chinese fire, they entered the city and opened the gates, thus permitting the allied troops to enter.

General Daggett, with his command, was the first finally to reach the wall, first actually to scale it, and first to get inside the fortifications.

In paying tribute to General Daggett and his immediate command, the Fourteenth Infantry, I do not wish to detract from the credit due other American troops who participated in the relief of Peking and whose commendable and creditable service evidenced to the participating allied troops that the American soldier was the equal, if not the peer of any other.

Most remarkable and outstanding in the long, honored, and distinguished career of General Daggett is the fact that at the age of 99 years he is still active in the affairs of his country and his fellow men. According to a communication received, General Daggett is extremely alert mentally. Reading is his hobby. About 2 weeks ago he attended a meeting of National Indian War Veterans and gave a 10-minute address, recounting some of his experiences as a soldier. His friend, Gen. Samuel Sumner of the Indian wars, who is 96 years of age, frequently takes him for an automobile ride.

#### OLDEST KNOWN RETIRED ENLISTED MEN

It appears fitting on this occasion also to recognize the outstanding service of the oldest known retired enlisted men who served during the Civil War, our Indian wars, and the Spanish-American War. One such is Comrade James H. Wilson, now residing at Watertown, N. Y., who is 96 years of age. The next oldest, according to my knowledge, is Comrade E. M. Waller, a resident of the District of Columbia, who enlisted in the Confederate service at the age of 14 years as a drummer boy in the Thirteenth Tennessee Infantry on June 6, 1861, to serve for a period of 1 year. He was discharged by expiration of term of service immediately after the Battle of Pittsburg Landing, Tenn., in which engagement he, a mere youth, participated. He reenlisted in General Bell's escort of General Forest's cavalry and was in all engagements in which Brigadier General Forest's cavalry forces participated, including Paducah, Ky.; Fort Pillow, Brices Cross Roads, Miss.; and Johnsonville, on the Tennessee River; and was in the advance guard of Hood's army in its advance to Nashville. He participated in all the engagements which were fought in this advance and acted as the rear guard in the retreat of General Hood's troops, which meant that he was under fire virtually every day from the time General Hood's lines were broken at Nashville until they crossed the Tennessee River in their retreat. Comrade Waller was awarded a medal of honor by the Confederacy for outstanding valor on the field of battle.

After the Civil War, Comrade Waller enlisted in the Eleventh Infantry and served during the Indian uprisings in the West. He was discharged in 1878 and reenlisted in the Fifth Cavalry, serving in that regiment continuously until he was placed on the retired list as an enlisted man in June 1902.

The high type of creditable service which Comrade Waller rendered to the Confederacy and later in the Regular service has been continued by him in his retirement. Since

1903 he has been the custodian clerk of All Souls' Unitarian Church in the city of Washington, and has the highest testimonials of esteem and regard from citizens of influence here in the District. He is the present commander of Camp 171, United Confederate Veterans, and brigadier general commanding the District brigade of Confederate veterans. He is also a member of the Retired Men's Association, No. 1, of the District of Columbia.

In closing, it is fitting that I reiterate that the examples of unselfish service which I have just enumerated should inspire our American youth of today to emulate in the conduct of their daily lives the high type of service which was so unstintingly and patriotically given in peace as well as in war by General Daggett, Comrade Waller, and their aged compatriots. [Applause.]

Mr. BLANTON. Mr. Speaker, in recognition and in appreciation of a highly patriotic speech just made by the gentleman, I ask unanimous consent that his time may be extended 3 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. HOEPEL. Mr. Speaker, yesterday a colloquy occurred on the floor of the House between the gentleman from Texas [Mr. BLANTON] and myself, and I wish to say at this time that what I hereafter state will in no wise impugn the motives and action of the gentleman from Texas [Mr. BLANTON]. I regard him as one of the most outstanding Members of this House. He is a personal friend of mine, and I wish to cooperate with him wherever I can in the interest of legislation in behalf of the people.

In the CONGRESSIONAL RECORD of yesterday, on page 9226, the gentleman from Texas [Mr. BLANTON] asked this question:

I asked the gentleman if he advocates what is going on now in Russia.

To this I replied:

In reference to Russia, yes.

As Mr. BLANTON proceeded without giving me time to answer fully, I here wish to affirm that it is my opinion that the Russian people are entitled to the type of government that they themselves wish and that it is not the business of any American to interfere in the internal political problems of a friendly nation. The President himself recognized this basic American principle when he recognized Russia and sent a distinguished Ambassador to represent us.

I wish to reiterate that I am a firm believer in the freedom of speech, in the freedom of religious worship, and also in the free use of the radio by all classes and groups of our own citizenry. It ill behooves me as a citizen to criticize a friendly nation as long as we have millions of our own people unemployed, with a debt problem becoming increasingly burdensome, and very little to cling to in our distress except hope! It is my opinion that if we would pay more attention to our own affairs and abolish special privilege, the creator of communists in this country, we would be more truly living up to the true concepts of Americanism.

As a Christian who believes in the basic teaching of the Bible, I cannot condone or approve of the reported actions of the Russian Government in respect to religion. I believe that every man has a right to worship God according to the dictates of his own conscience, whether he be in Russia, Mexico, or anywhere else, and I do not believe that any nation or any person has the right to attempt to efface the thought of God from the schools.

While I do not approve of the reported attitude of the Russian Government toward religion, my opinion of the Russian people, with whom I lived for 6 years, is that they are a wonderful people. I found them to be a sincere, family-loving, Christian people, honest and upright, and it was a pleasure to be associated with them.

Yesterday I called the attention of the gentleman from Texas [Mr. BLANTON] to a speech delivered by Mr. Gannett, of the Gannett newspapers. I recognize that the newspapers cannot always be right, although I believe they make a sin-



cere effort to give us the truth. I met Mr. Gannett personally at a banquet recently, and he gave us his fair and honest impressions in reference to his journey through Europe and expressed his views in reference to the governments of Europe. I hope that every Member will read what Mr. Gannett said in reference to Russia, which appears in the CONGRESSIONAL RECORD of May 8.

I attended a dinner last winter here in Washington, honoring the Russian Ambassador, at which banquet our lamented Speaker, Mr. Rainey, gave a very clear and concise résumé of his experiences and observations in Europe. He did not criticize but rather extolled the Russian idea of cooperation. I have no knowledge of conditions in Russia, except that gained from reading and from the contacts made with persons who have been in Russia, but it would seem to me that if our Government, through the Department of State, finds conditions in Russia to be detrimental or menacing to our country, suitable recommendations should be made by the State Department to the President and, if necessary, to the Congress. I am not concerned with the problems of the Russian people, or any other foreign people, except from the broad standpoint of brotherhood, but I am vitally and basically interested in the well-being of our own people who are being driven into communistic thought by the agencies of entrenched wealth which are becoming increasingly powerful. The failure of our Democratic administration adequately to tax entrenched wealth is an indictment, it would appear, of our intelligence and ability to legislate in the interest of the people.

Our Democratic platform of 1932 specifically pledged a Budget balanced with revenue raised upon the basis of ability to pay. Instead of paying our obligations, we are continuing to vote tax-exempt bonds, which are subscribed to with alacrity by Pierpont Morgan and others of the "ultra-patriotic" group, who are, in fact, so patriotic that they evade income-tax payments wherever possible. Pierpont Morgan, however, did pay income tax to England while he was not paying any to the United States.

Under the new deal, the profits of many corporations have increased. The billions of dollars of surpluses which lie in the vaults of the great corporations are not taxed. Under the new deal the number of persons receiving net incomes of more than \$25,000 per annum has increased surprisingly while the number of individuals receiving less than \$2,000 per annum has also increased. The rich are getting richer and the poor are getting poorer, according to this.

Our party refuses to adopt the basic principle of equalizing the cost of government through a proper system of taxation wherein wealth will pay its proportionate and just share. If wealth bore its share of taxation, our national indebtedness would not be approximately \$35,000,000,000 and there would be no necessity to fear the thought of communism in our country. I have a higher regard for the citizenship of America than to believe that if our people are given a chance for honest labor to provide for themselves and families, they will ever stoop to such a fallacy as communism.

Our Government should appropriate hundreds of millions of dollars for education, for health, and for recreation. Our American youth, under the conditions of the new deal, are suffering inordinately. Unless their families are objects of charity, they cannot obtain Federal work, even in a C. C. C. camp at a starvation wage of \$30 per month. It should be borne in mind that the young people of America, thus penalized, are the very individuals who will be called upon ultimately to pay for governmental profligacy and the squandering of billions through the present improper system of borrowing from the rich to give a crumb to the poor.

I am inclined to refer to the Bible to which I subscribe as a guide for human conduct. It is my opinion that we Americans may well cast the beam from our own eyes before we criticize what we hear or what we believe is taking place elsewhere on the globe. I wish to see the new deal a success, not for the sake of our party, not for the sake of the President, but for the sake of our suffering people who are going through an unnecessary Gethsemane because of the

fact that our American Congress fails to act legislatively on definite recovery measures now before it.

Communism! There is no danger from that source if we will meet the problems before us courageously and in justice to our people; and it is my sincere belief that those who shout their warnings against communism from the house-tops may well retire to the solitude of self-examination to determine whether or not they are doing their part to avert the danger they visualize, and whether the voting of tax-exempt bonds by the billions and increasing our national debt out of all proportion is the kind of a new deal they hoped for and subscribed to when we all so unitedly supported our President in 1932.

I for one will not criticize any nation or any people on their form of government as long as I find so much to do in my own beloved country to alleviate the distress and suffering of our aged, our youth, and our unfortunate unemployed. While I consider it my sacred duty to exercise to the utmost the principle that I am my brother's keeper, I believe that my first duty, as a legislator, is to those who are looking directly to us for assistance, to our own people, and after they are contented, employed, and prosperous, I may utilize my energy in considering the political and economic problems of other nations.

FRIG. GEN. AARON SIMON DAGGETT

Mr. PLUMLEY. Mr. Speaker, by direction of the Committee on Military Affairs I ask unanimous consent for the immediate consideration of House Resolution 243, which extends the felicitations and congratulations of the House and acknowledges with gratitude the distinguished and patriotic service which Gen. Aaron Simon Daggett has rendered to his country.

The Clerk read the resolution, as follows:

#### House Resolution 243

Whereas Brig. Gen. Aaron Simon Daggett, United States Army, retired, celebrates his 98th birthday on June 14, 1935; and

Whereas General Daggett is the oldest officer on the retired list of the United States Army, the oldest officer who served during the Civil War and the Spanish-American War; and

Whereas Gen. Aaron Simon Daggett, who was born at Green Corner, Maine, June 14, 1837, and who enlisted as a private in Company E of the Fifth Maine Volunteer Infantry on April 27, 1861, served throughout the Civil War, attaining the rank of lieutenant colonel, participated in 18 battles of the Civil War, was twice wounded and thrice commended for gallant and meritorious service during the Civil War; and

Whereas General Daggett served during the Spanish-American War and participated in the Battle of San Juan, Cuba, in July 1898, and later participated in the Philippines in the battles at Imus River and Bacoor; and

Whereas he later served as a colonel of the Fourteenth Infantry in China and was recommended for gallantry in the battle of Yangtsun; and

Whereas, although all the allied troops participating in the suppression of the Boxer Rebellion endeavored to be the first to reach and scale Pekin's "Chinese City" wall and open the massive gates from within, this feat was accomplished by troops of the Fourteenth Infantry, commanded by the then Colonel Daggett, who, with his troops, was also the first of the allies to enter the Imperial City and who had command of the "Forbidden City (Innermost and Most Holy)" within his grasp when General Chaffee's order to cease firing was received; and

Whereas the military record of Gen. Aaron Simon Daggett will forever serve as an inspiring influence to American youth, instilling in them the quality of patriotism and the desire to serve freely and voluntarily in the defense of their country: Therefore be it

*Resolved*, That felicitations and congratulations are hereby extended to Gen. Aaron Simon Daggett on his ninety-eighth birthday and that the House of Representatives acknowledges with gratitude the distinguished, patriotic service which he has rendered to his country; and be it further

*Resolved*, That a copy of this resolution be appropriately inscribed and presented to General Daggett by the Clerk of the House of Representatives.

The SPEAKER. Is there objection to the request of the gentleman from Vermont?

There was no objection.

The resolution was agreed to.

The motion to reconsider was laid on the table.

Mr. McSWAIN. Mr. Speaker, I ask unanimous consent that the Clerk of the House be authorized and directed to telegraph to this distinguished soldier the fact that the



House has, on this his ninety-eighth birthday, felicitated him by the passage of this resolution.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

#### COMMITTEE ON MERCHANT MARINE AND FISHERIES

Mr. BLAND. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries may sit during sessions of the House on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

#### RETIREMENT PENSIONS OF DISTRICT OF COLUMBIA FIRE DEPARTMENT MEMBERS

Mrs. JENCKES of Indiana. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including facts I have gathered to go with a bill I am introducing today.

The SPEAKER. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

Mrs. JENCKES of Indiana. Mr. Speaker, I desire to bring to the attention of the Congress a most important subject. It is a subject in which I hope every Member will become interested. I refer to the discrimination against the rank and file members of the District of Columbia fire department in the awarding of retirement pensions.

One of my first assignments in Congress was as a member of the House Committee on the District of Columbia. In giving my conscientious attention to this assignment I have seen many things for which our District of Columbia Commissioners should be strongly commended, but I am sorry to say not all things.

By my nature, having always extended my deepest sympathy and aid to the oppressed and those who need help, this attitude soon became known here in Washington, with the result that on many occasions I have been requested to intercede on behalf of citizens here in the District of Columbia who thought they were being imposed upon. Naturally an investigation on my part would oftentimes disclose that these claims were without merit, being purely imaginary on the part of the complainants, and on such occasions I would try to pacify the aggrieved persons and make them see their particular problem in its true light.

On the other hand, whenever occasion arose, and with a desire to determine what was right and what was wrong, without regard to politics and without regard to whether or not the person aggrieved was my constituent, and with a full sense of my duty as a member of the District of Columbia Committee of the House of Representatives toward residents of the District of Columbia, I have never failed to sponsor rectifications of wrongs and to expose wrongdoers in a frank and open manner.

For a considerable length of time, as you know, I have been interested in the well-being and welfare generally of the fire department of the District of Columbia, particularly the rank and file thereof. They are a splendid group of men and have rendered a loyal service in years gone by in spite of certain administrative handicaps which, since they have been rectified to a large extent, need not now be discussed.

More recently, my attention was directed to the plight of a group of the rank and file members of the District of Columbia Fire Department, who had been retired from service because of disabilities incurred in line of duty. Charges were made that while retired officers of the fire department were almost unanimously receiving full pensions of half pay, which in the case of a chief engineer of the fire department would amount to \$4,000 per year, economies were being practiced on retired privates who at most were eligible to receive but \$100 per month or \$1,200 per year and who were receiving less than that figure in many instances. Being unable to comprehend such unfair treatment of human beings by human beings, especially those in high offices in the administration of District affairs, I decided to investigate the matter on my own account.

First, I called on Commissioner Melvin C. Hazen for a list of pensioners of the fire department of the District of Columbia, with the retirement rate of each. After great reluctance, and pledging me to utmost secrecy, after a long elapse of time, I finally got this data, and it verified the original charge which had come to me from the general counsel of the City Fire Fighters' Association of the District of Columbia, an organization comprised of the active rank and file of the District of Columbia fire department. This list showed that as of April 4, 1935, there were 204 retired firemen on the pension rolls, of which 68 were officers. Of the officers, all but 4 got the maximum pension allowed by law, of full one-half pay, the 4 not receiving full pensions having been disabled by injuries or illnesses incurred in line of duty; whereas of the 136 retired privates—most of whom were retired for disabilities incurred in line of duty rather than on account of age or length of service—45, or 33½ percent, do not get as much as \$100 per month.

In the belief that this situation would be rectified if the discrepancies were called to the attention of the District of Columbia Commissioners, I then suggested to the men, through their counsel, that several cases be appealed to the Commissioners for an increase in pension. For no apparent reason, the Commissioners recently turned down the majority of these applicants for an increase in pension, granting increases to but few, in one case raising the pension from \$69.16 per month to \$70 per month. Think of it—an increase of 84 cents. Just what will this man do with his 84 cents? My investigation further showed that all of the men involved had been incapacitated in line of duty and that increases in pension were denied them while these same District of Columbia Commissioners countenanced the huge pensions mentioned heretofore to officers who had been retired on account of years of service or age with no disability.

Of particular interest at this point is the case of one Sidney Bieber, who was retired on September 1, 1905, with but 6 years' service in the District of Columbia fire department, and all of this in the quasi-clerical position of fire marshal, and who is now receiving a pension of \$208.33 per month or \$2,500 per annum, although he was never disabled, never subjected himself to danger because his position did not require it, and who never fought a fire in his life, because that is not the function of the fire marshal.

Another case was that of ex-Superintendent of Police Edwin B. Hesse, who in his later life was appointed as superintendent of police from the nonpolice position of chief clerk of the department, who served as superintendent for less than 2 years (his total service in the uniform ranks), and who now receives a pension of \$4,000 per year, being \$333.33 per month, which is a full one-half of the present salary rate of \$8,000 per annum for the major and superintendent of police.

There are innumerable other cases which are almost as flagrant as these, all while these poor disabled men, with injuries or illnesses incurred in line of duty, thrown out of their jobs as no more fit for fire department duty, on very low pensions of less than \$100 per month, in one case as low as \$40 per month.

Whose fault is this, I next ask? Is it the fault of Congress by failing to provide funds, or of the the District of Columbia Commissioners who administer the pension funds?

By an act of Congress dated February 1, 1916, the Commissioners of the District of Columbia were given authority to retire policemen or firemen for causes stated in the act, including disability incurred in line of duty, at not to exceed half pay. Due to discriminations against privates and lower-ranking officers in the administration of the fund, we next find that Congress passed the law of February 17, 1923, known as "An act to equalize pensions in the police and fire departments." (See section 593 of title 20 of the District of Columbia Code.) Even with this law the Commissioners failed to increase the pensions of the underpaid retirees, and forced one poor private of the police department (one Roberts) to bring a suit to prove the true meaning of the act of February 17, 1923. In this test case (*Daugherty v. United*



*States ex rel. Roberts*, in 58 App. District of Columbia, 308), the court held that every retired policeman and fireman were entitled to receive pensions of full half pay based on the then current salary laws; but notwithstanding this decision the District of Columbia Commissioners still failed and refrained from giving these full pension rates to many pensioners. On July 1, 1930, Congress was prevailed upon to reconstitute the Commissioners with discretion in setting the pension rates, with the limitation of one-half salary, upon said Commissioners' implied promise, at least, to administer the pensions fairly, impartially, and consistently. However, today we find from an examination of the pension rolls that these incapacitated rank and file members of the department are still being discriminated against by receiving very low pensions, when they could and should receive \$100 per month, whereas the high ranking retired officers of the fire department are receiving full pensions.

In other words, by the maladministration of the pension funds by former District of Columbia Commissioners, which upon recent opportunity was not rectified by the present Board of Commissioners, the retired officers of the fire department are receiving public moneys for luxuries while the rank and file retired men, with their disabilities and handicaps, are barely able to subsist on the retirement pay to which they must be limited from the very low pensions meted out to them. Mr. Speaker, this condition touches my heart, as it should touch the heart of every Member of Congress.

What is the solution? The bill which I have just introduced to change the provisions of section 584 of title 20 of the Code of Law of the District of Columbia will take away the discretion from the Commissioners of the District of Columbia in setting pensions of those who have been mistreated to date. In other words, under my bill, there will be no more uncertainty when a man must retire, whether it be due to his age, his length of service, or physical disabilities incurred in line of duty. Under my bill, he will receive a full one-half of his salary as a pension, with a minimum of \$100 per month, which minimum, I submit, is necessary for a man's existence, especially where he has a family. A second proviso in my bill will make the law applicable to those who are now retired and who have been discriminated against by unfair and inadequate pensions as aforesaid.

This is a humane bill, and should be enacted into legislation at the earliest possible date, for in the meantime, the unfair administrative attitude of our present District of Columbia Commissioners in failing to grant proper pensions to the disabled rank and file members is causing human suffering by depriving them of the necessities of life, including medical attention, as well as food, clothing, and the like. It will be a law for a definite pension, rather than one subject to the whims of administrative officials, and is in line with more general legislation of Congress, namely the Federal employees' compensation law, which grants \$116.66 per month disability pension to anyone disabled on account of an injury or illness incurred in line of duty, provided said employee receives a salary of as much as \$2,100 per annum. A minimum of \$58.33 per month disability allowance is provided where the disabled employee's salary is as little as \$58.33 per month, but these are details, and, as stated, the broad general proposition involved is that if a general Government employee is incapacitated in line of duty he receives a definite disability compensation, and not one which is subject to the whims of administrative officers, as is the case under the present disability and retirement law with respect to firemen and policemen of the District of Columbia.

While I naturally feel embittered at any Government official who would be unfair in his care of subordinates, especially the lowly and humble subordinates, nevertheless, bitterness and recrimination are not the basis for this bill. I would harm none, but only help those who most need help, and if you will indulge me it might not be amiss at this point to allude to the everlasting words of the immortal Abraham Lincoln, who in his second inaugural address stated in part these words:

With malice toward none, with charity for all, with firmness in the right, as God gives us to see the right, let us strive to finish the work we are in; to bind up the Nation's wounds, to care for him who shall have borne the battle, and for his widow and his orphan. \* \* \*

The disabled firemen with injuries or illnesses incurred in line of duty, are the ones who have borne the battle here. Let us, by enacting a definite and appropriate law, properly care for him who shall have borne the battle, and for his widow and his orphan.

#### EXTENSION OF N. R. A.

Mr. SABATH. Mr. Speaker, due to the severe hoarseness of the Chairman of the Rules Committee I have been requested to call up House Resolution 256.

The Clerk read the resolution, as follows:

*Resolved*, That immediately upon the adoption of this resolution the joint resolution (S. J. Res. 113) entitled "Joint resolution to extend until April 1, 1936, the provisions of title I of the National Industrial Recovery Act, and for other purposes", with the amendment of the Senate to the House amendments, be, and the same hereby is, taken from the Speaker's table, to the end that the Senate amendment to the House amendments be, and the same is hereby, agreed to.

Mr. SABATH. Does the gentleman from Pennsylvania [Mr. RANSLEY] desire any time?

Mr. RANSLEY. We would like to have 15 minutes.

Mr. SABATH. Mr. Speaker, I yield to the gentleman the usual 30 minutes, although I understand he is not going to use all of it.

Mr. Speaker, I do not think there is any opposition to this resolution as the Members are familiar with Senate Joint Resolution 113, it having been debated at great length in the House.

Mr. MICHENER. Mr. Speaker, will the gentleman yield for a question?

Mr. SABATH. I yield.

Mr. MICHENER. As I understand, with one exception no such rule as this has ever been brought into the House. Therefore I am not familiar with just how it works and I should like to ask this question: Under this rule, as I understand it, when you adopt the rule you have agreed to the amendments and given approval to the N. R. A. resolution. In other words, there is no opportunity to discuss the amendments or to give them any consideration. There is no opportunity to read the amendments. This is just a question of voting "yes" for the rule, and when you vote "yes" for the rule you adopt the amendment and give approval to the resolution. It is a rarefied type of gag rule.

Mr. SABATH. I disagree with the gentleman that it is a gag rule. It is not a gag rule. If gentlemen on that side had not objected yesterday and if unanimous consent had been granted, as originally agreed to and stated on the floor by your leaders, we would have had only 20 minutes on the side. This resolution will give 1 hour—30 minutes on the side—and in view of the statement of Mr. RANSLEY, ranking Republican member on the Rules Committee, that he desires only 15 minutes, it cannot be charged that anyone is being gagged.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. SABATH. Not now. I cannot yield, because the gentleman is responsible for this extra time being taken by the House.

Mr. RICH. I should like to explain my position to the gentlemen.

Mr. SABATH. I refuse to yield.

I repeat, this is not a gag rule. All this rule does is to take the Senate joint resolution that has been amended by the House and then the House amendment amended by the Senate from the Speaker's table and agree to the Senate amendment. This amendment is similar to the amendment originally offered by the gentleman from Texas in the House, and which was defeated by only a few votes. The amendment is as follows:

*Provided*, That the exemption provided in section 5 of such title shall extend only to agreements and action thereunder, (1) putting into effect the requirements of section 7 (a), including minimum wages, maximum hours, and prohibition of child labor, and (2) prohibiting unfair competitive practices which offend against existing

law, including the antitrust laws, or which constitute unfair methods of competition under the Federal Trade Commission Act as amended.

Mr. Speaker, this amendment had my support originally and I do not think it necessary to take up any more time in explaining the important need for the passage of this resolution without unnecessary delay.

Mr. Speaker, I now yield to the gentleman from Pennsylvania, reserving the balance of my time.

Mr. RANSLEY. Mr. Speaker, I yield 15 minutes to the gentleman from Ohio [Mr. JENKINS].

Mr. JENKINS of Ohio. Mr. Speaker, insofar as the Republican Membership of the House is concerned, or at least insofar as the leadership is concerned, I am advised that there is no organized opposition to this rule. The few remarks I shall make will be directed principally to the Republicans, and I shall try in this length of time, if I can, to explain the parliamentary situation. If there is anything I say that will be at all interesting to the Democrats, they are welcome to listen, because we have a parliamentary situation here which is rather unique.

At the expense of being tedious, I would like to review for a moment what has taken place with reference to the matter we are about to consider. You will recall that last week we voted an extension of the N. R. A. We passed the Senate joint resolution here in the House with an amendment. The Republican Membership quite generally opposed to the measure. It went over to the Senate, and the Senate sent it back for our consideration with an amendment to the House amendment. In the regular course it went to the Ways and Means Committee. The Ways and Means Committee met and accepted the amendment.

The ordinary parliamentary procedure would be for the Chairman of the Ways and Means Committee to come in and ask unanimous consent to take up the Senate amendments and agree to them or to disagree and ask for a conference. The committee instructed him to bring them up under unanimous consent. If such a request was unanimously agreed to, that would amount to passage of the amendments; but if someone should object, as happened yesterday, then the matter would properly have to come before the House for consideration. How could it come up? The Rules Committee should bring out a rule. This was done, and we are now considering that rule. This rule, on the face of it, would indicate that it is a gag rule or a closed rule; but, as a matter of fact, it is not intended to operate in that way. An hour is given for discussion of this measure, and anyone who wants to discuss it on the Republican side will, I think, have an abundance of time to do so, for I am only going to speak for a few minutes, and I take it from the remarks made by the gentleman from Illinois [Mr. SABATH] there will be sufficient time for anyone on the Democratic side who wants to discuss this amendment to do so.

From a canvass that has been made among the Republicans, I am advised that there is no serious opposition to the amendment; but we have here a parliamentary situation that we should understand.

As I have heretofore stated, the Republicans have gone on record as being against the N. R. A.

Now, they are not seriously opposing this amendment. Why? Because this amendment improves the bill that was voted on by the House. It is always good politics and good statesmanship to vote for any amendments that improve a bill, even if one expects to vote against the bill when thus amended. We should vote to perfect a bill as far as we can; and if the perfecting amendments do not go far enough, the proper and logical course is to vote against such bill.

I want the Record to show that the Republicans who voted against the continuation of the N. R. A. when that bill was up for consideration on its merits stand exactly as they did at that time. We oppose the continuation of the N. R. A., for it is dead by the wise and forceful decision of the Supreme Court, and it should be buried without any further formalities.

You will remember that our position at that time was that there may have been some good features about the N. R. A. We could hardly expect to employ 5,400 men and

women for 2 years and spend millions of dollars for 2 or 3 years without getting some experience that would be of value. Quite frequently bad experience is good for an individual. You will remember the old adage, "A burnt child dreads fire."

But, as stated before, we maintain that the N. R. A. has been killed by the Supreme Court as far as any practical purpose might be considered.

But in the discussion the other day, when this proposition came up, it developed that, while the amendment placed on the bill by the Ways and Means Committee to the Clark resolution sheared from the President all powers to enforce the codes and contained the word "code", it did not contain the word "agreement." The voluntary agreements remain in the old bill.

I believe that Mr. Richberg and the President himself might have accepted the additional words that we tried to put in on the amendment; but whether they would or not is immaterial now, because it was not done.

The matter went to the Senate, and the Senate put on this amendment. What kind of an amendment is it? It is about the same thing as we had in our motion to recommit when the bill was before us a few days ago, and about the same thing that the gentleman from Texas [Mr. MAVERICK] had in his amendment on the Democratic side. I want to give credit where credit is due, and it is about the same thing as in the amendment that I myself offered when we were considering the bill.

Now, we have that up for consideration today. Here is the Senate amendment. Let me explain briefly what it is. It is worth while paying some attention to it. It is not difficult to understand. It is not complex.

I do not know whether this has been printed or not, but there were only a few copies available yesterday. As I said, the amendment adopted by the House originally provided that the President would not have any power to enforce any codes. This goes on and adds the words:

*Provided*, That the exemption provided in section 5 of such title shall extend only to agreements and action thereunder (1) putting into effect the requirements of section 7 (a), including minimum wages, maximum hours, and prohibition of child labor; and (2) prohibiting unfair competitive practices which offend against existing law, including the antitrust laws, or which constitute unfair methods of competition under the Federal Trade Commission Act, as amended.

What is section 5 of the N. R. A. law? It is as follows:

SEC. 5. While this title is in effect (or in the case of a license, while section 4 (a) is in effect) and for 60 days thereafter, any code, agreement, or license approved, prescribed, or issued and in effect under this title, and any action complying with the provisions thereof taken during such period, shall be exempt from the provisions of the antitrust laws of the United States.

This section 5 provides in effect that while the N. I. R. A. was in effect, the antitrust law would be suspended.

Mr. VINSON of Kentucky. Mr. Speaker, will the gentleman yield?

Mr. JENKINS of Ohio. Yes.

Mr. VINSON of Kentucky. The gentleman's statement is rather broad. It is an exemption of the antitrust laws from the provision, providing it contained agreements in codes.

Mr. JENKINS of Ohio. I have not come to that yet. I cannot make my statement all in one sentence.

Mr. VINSON of Kentucky. The gentleman said the antitrust laws were suspended.

Mr. JENKINS of Ohio. I say that under the original N. R. A. Act the antitrust laws were suspended so far as its applications to codes were concerned. Of course, it did not suspend all the antitrust laws.

This amendment provides that the exemptions provided in section 5 of such title shall extend only to such "agreements and actions thereunder." What agreements and actions thereunder? Then it goes ahead and says what shall be in those agreements. In other words, we maintained the other day that this whole thing ought to be studied by the Federal Trade Commission and other permanent agencies of the Government that could investigate it and see how far the antitrust laws should be suspended;



and if so, how the matter should be carried out. The amendment of the Senate provides that exemptions provided in section 5 of such title shall extend only to agreements and actions thereunder, but on what conditions? Here is the first condition: That none of these agreements shall be accepted by the President if he intends to operate the N. R. A. or the skeleton that is left unless they comply with this amendment. If he intends to continue it under voluntary agreements, what must the agreements provide? Here is one thing they must provide: They must provide all of the requirements of section 7 (a) which are the requirements that organized labor advocated when the N. R. A. was adopted.

What are these? They must include minimum wages, maximum hours, and prohibition of child labor. All and any agreements adopted and permitted to be adopted by the President, known as "unanimous-consent agreements" or "voluntary agreements", must contain the provisions that I have just enumerated. What else must they contain? No. 2, I think, is called the "Borah amendment", or at least part of it. The conjunction used is "and", not "or." These agreements must contain no. 1 and no. 2. What is the second one? Prohibiting unfair competitive practices which offend against existing law, including the antitrust laws, which constitute unfair methods of competition under the Federal Trade Commission Act as amended.

Mr. MAY. Mr. Speaker, will the gentleman yield?

Mr. JENKINS of Ohio. In a moment. Why are we as Republicans in favor of this amendment? Because it does in part what we insisted should have been done. We are in favor of the amendment, but we still maintain if the amendment is adopted it will not do what ought to be done. Here is what ought to be done: The Supreme Court killed the N. I. R. A. to all intents and purposes, and we ought to bury it, and we ought to take from it its good points, however, few they may be, and as Mr. Richberg suggested turn the records over to the Federal Trade Commission. That is all he wants. He wanted to keep enough of these men on the pay roll to gather up the records and the information so that it might not be lost, and then we maintain that these should be turned over to the Federal Trade Commission and a study made of the work assumed to be done by the N. R. A. That is what this amendment tends to do in a small way at least.

Mr. SAMUEL B. HILL. Mr. Speaker, will the gentleman yield?

Mr. JENKINS of Ohio. Yes.

Mr. SAMUEL B. HILL. I am glad that the gentleman favors the Senate amendment, even though he is opposed to the N. R. A. Will the gentleman tell us in what way the Senate amendment either adds to or takes from the Senate joint resolution as amended by the House amendment.

Mr. JENKINS of Ohio. I thought I had just got through telling that. The principal objection that developed to the amendment as offered by the Ways and Means Committee, of which the gentleman is a valuable member, was that it left questionable as to how it would relate to voluntary agreements. The gentleman will remember that in the discussion on the floor he took one position and other majority members of the committee did not agree with him as to how it affected voluntary agreements. I offered an amendment to clarify that, as to where voluntary agreements would find themselves as any court would seek to interpret them, and I maintain now that this amendment does clarify them. If the President permits any to operate under voluntary agreements, it provides that the agreement must contain two things. It must take care of labor and must see that the antitrust laws are not disobeyed in that respect.

Mr. SAMUEL B. HILL. Will the gentleman yield?

Mr. JENKINS of Ohio. I yield.

Mr. SAMUEL B. HILL. Of course, section 7 (a) remained in the act, and it was obligatory upon the President and upon those entering into voluntary agreements under the act to observe the provisions of section 7 (a). I think that we are all agreed that section 4 (a), which related to voluntary agreements, was the only thing left in the N. R. A. after the Supreme Court decision.

Mr. JENKINS of Ohio. Oh, there is no question about it. The gentleman and his group would have agreed to this, but they did not get it that way from the White House. You would have agreed to it if you had the chance. You were sincere about it, but the language which the White House sent you did not contain it and you would not let us change it, but the Senate did change it.

Mr. SAMUEL B. HILL. There was no amendment offered by the gentleman from Ohio [Mr. JENKINS] or any other Member similar to this language in the Senate amendment. I contend now that under the amendment of the House, section 2 of the act, which was the House amendment, the President and those entering into voluntary agreements can do everything and no more than they can do under the Senate amendment. It particularizes certain things, but does not broaden or detract or narrow the language of the House amendment.

Mr. JENKINS of Ohio. If the gentleman believes that, why did he not propose the Senate amendment and be done with it?

Mr. SAMUEL B. HILL. It is harmless.

The SPEAKER. The time of the gentleman from Ohio [Mr. JENKINS] has expired.

Mr. RANSLEY. Mr. Speaker, I yield the gentleman 10 additional minutes.

Mr. MAY. Will the gentleman yield?

Mr. JENKINS of Ohio. I yield.

Mr. MAY. As I understand, under the provision of the original N. I. R. A., the right of collective bargaining and the right to regulate child labor and unfair trade practices as set out in subsections (a) and (b) of the Borah amendment were regulated under codes that were mandatory. This now will apply to voluntary agreements entered into by any particular industry and their employees, and it takes it out of the condemnation of the Supreme Court to that extent?

Mr. JENKINS of Ohio. Exactly. Now, Mr. Speaker, just to recur for a moment to the parliamentary situation, as far as the Republicans are concerned, some of you who voted against the continuance of the National Industrial Recovery Act may feel constrained to vote against this amendment. If you do, I am not trying to tell you how you should vote, but I am trying to explain to you that if you want to vote for this amendment you can do so with all propriety and be absolutely consistent with your other vote, because this amendment does nothing, except that it goes one step farther toward clarifying the situation and taking power away from the President if he seeks to put this skeleton back after Congress has adjourned, during the 9 months of the extension of this bill.

Mr. CRAWFORD. Will the gentleman yield?

Mr. JENKINS of Ohio. I yield.

Mr. CRAWFORD. If a trade association or group of manufacturers enter into a marketing agreement with the President which does not contain the provisions recited in the Senate amendment, will they be subject to prosecution under the antitrust laws?

Mr. JENKINS of Ohio. I should think so.

Mr. CRAWFORD. Is that the gentleman's understanding of the Senate amendment?

Mr. JENKINS of Ohio. That is my understanding of the Senate amendment; yes. If it did not do that, it would not do anything.

Mr. CRAWFORD. But if that agreement contains only the provision on minimum wages, maximum hours, child labor, and section 7 (a), then it does come outside prosecutions under the antitrust laws?

Mr. JENKINS of Ohio. I do not assume that the President would sanction any agreement unless it met the requirements of this amendment that we are considering. If they attempted to operate without regard to the President or the law, they would surely find themselves in jeopardy.

Mr. GIFFORD. Will the gentleman yield?

Mr. JENKINS of Ohio. I yield.

Mr. GIFFORD. I hold in my hand an article signed by one Moley, saying that provision should be made, in any act for the continuation of some form of the National Re-



covery Act, and in the light of what has been suggested, for a constitutional amendment to at once be prepared and presented. I want to ask the gentleman, if there was any argument made in sessions of his committee, if he will tell us about it, or does he know of any proposed action to present to the Congress any constitutional amendment, attempting to remedy this N. R. A. situation according to the theories of this administration?

Mr. JENKINS of Ohio. All I can say is what I have read in the papers. Of course, there may be some people who think that our Government is built upon such fragile foundations that all we need to do when the Court decides against us is to run out and offer an amendment to the Constitution. Of course, I do not think any sensible person or any patriotic person would give one moment's consideration to such a proposition.

It is beyond the comprehension of any reasonable American citizen how anybody, whether he be President or Congressman or Senator, could rise up and challenge the authority of the Supreme Court of these United States, one of the greatest triumvirates of our Government, when by unanimous vote it does its duty.

Mr. GIFFORD. Will the gentleman yield further?

Mr. JENKINS of Ohio. I yield.

Mr. GIFFORD. I would like to ask the gentleman, in view of the spectacular interview given by the President of the United States soon after the decision of the Supreme Court, if the Committee on Ways and Means has any idea of presenting to the people of the country a constitutional amendment in line with what the President suggested at that time should be done?

Mr. JENKINS of Ohio. No; I think I can say, out of respect for the majority members of the Ways and Means Committee, and I dare say there is not a man on the Ways and Means Committee of either party who would countenance such a program for one second; and I also dare say, although I cannot speak for the President, of course, but I will venture the assertion that the President will never live long enough but that he will wish he had never made the statement he made with respect to the decision of the Supreme Court. This was a most unfortunate statement, and the President will never be proud of it.

Mr. GIFFORD. Does the gentleman really think that in a short 2 weeks the President and the Ways and Means Committee have heard sufficiently from the people of the country? As I understood it, their desire was to wait until they heard from the people.

Mr. JENKINS of Ohio. I think they have.

Mr. MOTT. Mr. Speaker, will the gentleman yield?

Mr. JENKINS of Ohio. I yield.

Mr. MOTT. If I understand the gentleman's argument correctly, it is that the bill extending the N. R. A., as it is now before us with the Senate amendment, is now harmless, and that it makes no great difference which way we vote on it.

Mr. JENKINS of Ohio. The amendment is of considerable importance from the standpoint that it further restricts the President in reference to his powers over voluntary agreements. They must comply with section 7 (a) and must not violate the fair-trade provisions of the antitrust laws.

Mr. MOTT. I am inclined to agree with the gentleman. And may I suggest in this connection that when the original bill extending the N. R. A. was before the House last week the Republicans here did their best to amend it in substantially the same manner as the Senate amendment now does. We were prevented in our effort to do this by practically a straight party vote on our motion to recommit. Had that motion been adopted the President's powers would have been restricted to the same extent as the Senate amendment now restricts them. Again, had the motion of the gentleman from Texas [Mr. MAVERICK] prevailed when the bill was in the House section 5 would have been eliminated altogether, and that also would have limited the President's powers substantially as provided in the Senate amendment. Republicans supported the Maverick amendment, Democrats opposed it. I am glad to see now that the Senate, having done

by this amendment what the Republicans of the House tried to do, that the Democrats of the House have now surrendered on this point and have accepted our views and our arguments in their entirety.

Mr. CHRISTIANSON. Mr. Speaker, will the gentleman yield?

Mr. JENKINS of Ohio. I yield.

Mr. CHRISTIANSON. Does not the gentleman believe that the real reason for the extension of what is left of N. R. A. is to provide a skeleton research organization for the purpose of attempting to justify the administration of N. R. A.?

Mr. JENKINS of Ohio. It looks very much that way. I am sorry to be forced to that conclusion, but it looks bad. As I have heretofore stated, when the Supreme Court killed N. R. A. we should have buried it.

Mr. CHRISTIANSON. Does the gentleman believe that it is intellectually honest to put that investigation into the hands of those who were engaged in the administration of the N. R. A.? Does he believe it is intellectually honest to permit anybody to investigate his own administration?

Mr. JENKINS of Ohio. I think this should be done: I think the people who investigate trade and commerce ought to be experts in that line. I think the administration should quit playing politics with the business of the country. Throw out the brain trusters and turn business over to business men and labor questions over to laboring men and men interested in the welfare of labor.

Mr. MARCANTONIO. Mr. Speaker, will the gentleman yield?

Mr. JENKINS of Ohio. I yield.

Mr. MARCANTONIO. As a matter of fact, the Senate amendment is virtually the motion to recommit that was defeated here in the House last week. Am I not correct?

Mr. JENKINS of Ohio. Yes; it is in line with it and with the minority views as printed in the report that accompanied that bill.

Mr. MARCANTONIO. The motion to recommit was proposed on this side of the aisle and defeated by the Democrats but now accepted by both sides.

Mr. JENKINS of Ohio. That is right.

Mr. FORD of California. Mr. Speaker, will the gentleman yield?

Mr. JENKINS of Ohio. I yield.

Mr. FORD of California. Would the gentleman say, in his reasoned opinion, that any man who offers an amendment to the Constitution is un-American?

Mr. JENKINS of Ohio. Oh, no; no; the gentleman is not justified in giving my language any such interpretation, not at all.

Mr. FORD of California. But that is what the gentleman said.

Mr. JENKINS of Ohio. I beg the gentleman's pardon. Anybody would know better than that. The idea of a man asking a question like that! Why, nobody could propose a constitutional amendment but an American; no foreigner has the right to offer an amendment to our Constitution. I doubt the Americanism of any man who, because the Supreme Court finds against him, wants to change the Constitution. Long live the Supreme Court and may it never wear the collar of any man. [Applause.]

Mr. Speaker, I yield back the balance of my time.

Mr. SABATH. Mr. Speaker, I yield to the gentleman from Texas [Mr. MAVERICK] such time as he may desire.

Mr. MAVERICK. Mr. Speaker, a week ago today, June 7, 1935, I addressed this House on the N. R. A. bill before us, and I did so both on the rule and upon the law itself. I suggested then that the bill was being rushed through too quickly; that we were not giving it enough consideration; further, I stated that we are faced with the most important economic issues in our national history; that from a viewpoint of economics, the bill involves the rights of labor, child labor, the Sherman antitrust law, big business and little business, and many other questions.

Thereafter I offered an amendment as section 2 of the bill, which in effect reinstated the Sherman antitrust laws; and I stated then that we should not surrender any right to



prosecute under the Sherman Antitrust Act or give up all rights of labor and the consumers.

I had hoped that the amendment would be adopted, but it was defeated by a small margin of 15 or 16 votes. My opinion is that if we would have had time to discuss the matter and had not rushed the bill through in such a hurry, that the amendment might have been adopted. In fact, I feel sure that it would have been adopted. That is the reason I hate to see bills rushed through the House so hurriedly—we enact some law in that manner, and it goes to the Senate, where the bill is changed, and then we simply agree to everything the Senate does. I do not know, but I presume that we will overwhelmingly do the same today. Now, suppose the amendment that I offered had gotten the sympathetic consideration of the leaders of the party and of the Ways and Means Committee? It could have been improved and made more suitable to the needs of the American people, but we rushed the bill through without much consideration and it goes to the Senate, where they take their time and have the proper amendment made—and now, undoubtedly, we will simply agree to it.

The Borah amendment filed in the Senate, and which the rule we are now discussing seeks to fully approve, is clearer and better than the one I filed in the House, and that is the reason I say that had it received mature consideration, undoubtedly we could have reached the same conclusion as the Senate, without their having to do our thinking and then merely handing us a law, which we are to forthwith approve.

The Borah amendment is as follows:

To the text of said amendment (House amendment in S. J. Res. 113), after the word "repealed" in the last line thereof, insert "": *Provided*, That the exemption provided in section 5 of such title shall extend only to agreements and actions thereunder (1) putting into effect the requirements of section 7 (a), including minimum wages, maximum hours, and prohibition of child labor; and (2) prohibiting unfair competitive practices which offend against existing law, including the antitrust laws, or which constitute unfair methods of competition under the Federal Trade Commission Act, as amended."

Who gets the credit for the beneficial legislation? The Senate, of course. Who ought to have the real power or at least equal power in legislative matters in this country? The House of Representatives, of course, just as the House of Commons has the power in England and most every other country.

I suppose issues have always been beclouded, evaded, and twisted; but more issues are being clouded, evaded, and twisted now than ever before.

Let us, for instance, take the N. R. A. I suggested that we are faced with fundamental, economic changes which will necessitate fundamental changes in our fundamental law, probably the Constitution, and certainly our statutory system. One of my old friends writes to me, down in Texas, and he says that he has no job and has been almost starving to death for several years, has lost all his property and is broke, and that he certainly thinks that I am a fine Congressman, but that he hopes that I will not try to change the Constitution, and ends up by saying, "Thank God for the Constitution." There is a man who is completely broke and hungry and starving writing to me about the Constitution, and, with all due respect to him, I doubt if he has ever read it—who is thanking God for something he knows nothing about. When you are talking about the Supreme Court, you are not talking about the N. R. A.; and when you talk about the N. R. A., you are not talking about the Supreme Court. They are two separate questions.

Therefore, I desire to make myself clear: There is no reason why constitutional changes in government should not at least be discussed.

The point not well understood is the fact that the fundamental change in our law is being confused with Mr. Shechter's sick chicken. The N. R. A., as I have said many times before, was poorly administered; it was unpopular; and when the Supreme Court declared the N. R. A. unconstitutional it was a popular decision—and probably right, according to law. That however, does not change the fundamental necessity of having an elastic form of government for the

people in order that they may make the government suit the demands of the people instead of the people having to conform to obsolete laws which keep them in poverty and ignorance.

Whenever anybody says anything about the Constitution we are told that our forefathers wrote it; that, of course, in spite of all scientific progress and the machine age, nothing should ever be done about our political system. That was not, however, the view of those who wrote the Constitution.

Thomas Jefferson said:

Be attentive to amendments to the Constitution to make it keep pace with the advance of the age in science and experience.

He further said, that these changes must be made unless the people will—

Undertake it themselves by force, their only weapon, and work it out through blood, desolation, and long-continued anarchy.

Even Hamilton, whose general philosophy I do not approve, said in the *Federalist*, no. 22, as follows:

We are apt to rest satisfied that all is safe because nothing improper will be likely to be done, but we forget how much good may be prevented and how much ill may be produced by the power of hindering that which it is necessary to do, and of keeping affairs in the same unfavorable posture in which they may happen to stand at particular periods.

People are often afraid to make a change, saying it is a "leap in the dark." This was said in England when general suffrage was discussed. Slaves, unaccustomed to liberty, have often refused freedom. Slaves to custom, unaccustomed likewise to progress, have often through fear remained in ignorance and poverty. Let us, therefore, discuss our fundamental necessities and do all honorable, legal, courageous things necessary to accomplish our just purposes.

Again, quoting Hamilton:

It is a fundamental maxim of good sense and sound policy which dictates that every power ought to be proportionate to its object. A government ought to contain in itself every power requisite to the full accomplishment of the objects committed to its care, and the complete execution of the trusts for which it is responsible; free from every other control but a regard for the public good and to the sense of the people.

And George Washington, whom all Americans admire, during the time that we were changing from the Confederation to the Constitution in 1785, wrote as follows:

Illiberality, jealousy, and local policy are mixed too much in our public councils, for the good government of the Union. In a word, the confederation appears to me to be little more than a shadow without the substance; and Congress a nugatory body, their ordinances being little attended to. To me it is a solecism in politics; indeed it is one of the most extraordinary things in nature that we should confederate as a nation, and yet be afraid to give the rulers of the Nation, who are the creatures of our own making, appointed for a limited and short duration, and who are amenable for every action, recallable at any moment, and subject to all the evils which they may be instrumental in producing, sufficient powers to order and direct the affairs of the same. By such a policy as this the wheels of government are clogged and \* \* \* from the high ground on which we stood we are descending into the vale of confusion and darkness.

Then Grayson, writing to Madison, wrote as follows:

A partial reformation will be fatal; things had better remain as they are now than not to probe them to the bottom \* \* \* The State of Virginia having gone thus far, it is a matter of great doubt with me whether she had not better go further and propose to the other States to augment the powers of the delegates so as to comprehend all the grievances of the Union, and to combine commercial arrangements with them and make them dependent on each other.

I merely make these references to show that the Constitution is at least worthy of discussion. I can see nothing wrong in discussing it; I can see nothing wrong in discussing political science. I think it well established that science—I mean mechanical science—has advanced far ahead of political science. For that reason we should always attempt to progress, and in discussing the N. R. A. or any other social measure, we must understand the mechanics and fundamentals of government.

I have never advocated "circumventing" the Constitution or violating it; I believe that we should change the Constitution, if necessary for the people, especially if the Constitution must be changed to eliminate child labor, poverty, hunger, and a low standard of living. I do not believe that



we should endure all of these things for the sake of a Constitution. Furthermore, I really believe that orderly discussion of these things is preferable to the making of ill-tempered and ignorant conclusions.

Let us take, for instance, the Civil War. Suppose a constitutional amendment had been passed abolishing slavery and paying the owners of the slaves even twice what the slaves were worth—no doubt, this Nation would have been saved the Civil War and saved 4 years of fratricidal strife, with sickness, hunger, and disturbance, physical destruction, and money waste for all that time. In other words, it is always preferable to do things peacefully, and some of those who claim to love the Constitution have gone so far as to say lately that Lincoln was such a good man that he preferred to go to war rather than change the Constitution. Of course, Lincoln was a good man, but I would suggest that his opinion of the powers of the Executive and Legislature as against the Supreme Court be read. Likewise I call attention to the fact that it took the Civil War to change the Constitution at that time. Therefore, if a necessity exists for the change of the Constitution now, let us do so with thought and consideration and in a peaceful manner.

My colleague and able friend, Mr. DRISCOLL, good Democrat from Pennsylvania, has just called to my attention the Republican attitude on the Constitution in 1860, and I shall discuss it. I think it safe to say that when we speak of judicial decisions, it depends on which foot the shoe fits. Ordinarily when a judge renders a decision favorable to one side he is a learned gentleman, but if he does not he is anything you want to call him. And now we find our Republican brethren shouting to preserve the Constitution, stop having laws altogether and no more progress, and give the people "a full dinner pail"—and let there be no protection of labor, the sweating of children in factories, the small consumer, or any other exploited group. In 1860 the Republicans were denouncing the Democrats because they used the Federal courts, and then, in regard to slavery, said this was done under "the perversions of judicial power", as Mr. DRISCOLL has pointed out, which was an outright attack on the Supreme Court of the United States and the Dred Scott decision. At that time the Republicans were all for progress and abolishing slavery under Abraham Lincoln, whom they have now forgotten. But now, for political expediency, they pose as the sacred defenders of the Constitution and would let the American people be prosperous by letting them starve; be free by letting them be industrial slaves; the children have happy lives by having child labor.

Of course, these statements do not in any way apply to all Republicans, nor even to all Republican leaders and Congressmen, but in effect it applies to some Republican leaders, because it is at least fully fair to state that most of them are not meeting the real economic issues, nor attempting to correct our present economic situation by real thought. They are merely criticizing and offering no substitute.

Now, let us talk about the economic conditions of the Nation with which we are faced; and along with this discussion let us take the N. R. A. You will understand this is about economics, and not the Constitution. As I stated before, the N. R. A. was not a perfect instrument—it was probably something of a failure—but, at the same time, it could have been improved upon and should have been improved upon in order to eliminate sweatshops, child labor, and to protect the consumer and worker, and business men in general. In other words, with rapid transportation, with the invention of all kinds of new machinery and scientific methods, there has naturally come a great change over this Nation; and, therefore, with Maine being closer to Texas than parts of Texas were to each other even as much as 30 years ago, and with the Nation necessarily more unified, we need laws which meet the new situation. Hence, one principle of the N. R. A.—that is, some unified control in order to protect all the people of the United States—was right. In other words, wholly aside from the N. R. A., there are certain rights of individuals and States which can only be protected by unified national action. Proceeding on that point, I will discuss some of the phases of the N. R. A.

Let us take, for instance, child labor. If the certain States have child labor, working kids from 10 to 14 hours a day, paying them practically nothing, and another State has a law against child labor where they must hire adults and pay decent wages, where are your State rights? That is where one State uses its laws to bring down the standards of labor of another State. Let us take, for instance, unemployment insurance. I think a large majority of the people of the United States believe that we should have unemployment insurance, old-age pensions, and social security in general. Suppose one State refuses to enact any such legislation. A man living in another State has all the benefits of social security, he loses his job, and has a chance to get a job in another State where there is no social security. We will say he takes the job and loses it afterward. Then he has no rights of social security in the State to which he moved, and he has lost his rights of social security in the other State because he has moved away. In unemployment insurance and social security, if we leave it wholly up to the States, there will be 48 different systems, 48 conflicting jurisdictions, 48 different systems of conflicting laws, regulations, and decisions; and it will reduce, in this modern age, the people living in a given area to the standard of the moujiks of Russia in the days of the Czar, when people could not move from place to place. Let us take labor in general. In one State we have modern safety appliances, short hours, and decent working conditions; another State has no regulations and no protection of labor; and therefore we can see very plainly that the conditions of the bad States will naturally hurt the conditions of the good States on account of competition gradually breaking down all good laws. It necessarily follows there must be some national regulatory powers.

Therefore there are certain fundamental things that the Nation as a whole must do for the protection of State rights—for the rights of the people within them. I do not believe that the United States Government should interfere in purely local matters, in municipal government, or in the rights of the police power of the State, or of the State to protect its own citizens—but I do believe that there are certain fundamental social and economic problems which must be dealt with in order to give equal protection to all of the people of the United States. Take education, for instance. I think every child is entitled to an education. I say this because if large portions of the United States are left in illiteracy, it will certainly have a bad effect upon the Nation as a whole. Therefore I believe the Federal Government has a right to assist and cooperate in matters of education. There are many things in which the Government not only should have a right but must have a right to protect the rights of the people as a whole, because when one portion of the United States is adversely affected, this portion adversely affects all other portions of the United States.

Take the N. R. A. as it just lately passed the House. In it we continued the suspension of the antitrust laws enacted 2 years ago. In that way we had suspended also all rights of regulations of codes in local industry and national industry—by it we allowed certain voluntary agreements with the suspension of the antitrust laws, which meant in effect that we allowed the big merchants in centers like New York and Chicago to control prices from those places all over the Nation, and which will run our local merchants out of business. That is certainly a violation of the rights of States and of individuals. Now, when we talk about State rights, let us discuss how they ordinarily come before the courts. I have read a great many decisions, and I see very few, if any, cases where State rights are decided on a basis of the State claiming any rights, or being a party to the suit. Ordinarily, it is some selfish individual with a smart lawyer, ordinarily a very well paid lawyer, who has books, books, books, all over his place, and who uses these books for the protection of the selfish interests of his client. Let us take the Schechter poultry case. Unquestionably, the Supreme Court delivered a very clear opinion and they have clarified many points that are necessary to clarify. They have made it plain that we should not make an unconstitutional and illegal delegation of power. However, who is Mr. Schechter? Is he the State of



Texas or the State of New York? Was any State involved in the case? Was any State right included in there? No! No State was included whatsoever; it was merely one client with a smart lawyer, and the smart lawyer won. Possibly he was right. I merely submit that as a matter for discussion by us.

I have therefore reviewed, first, the constitutional phases of our Government; and, second, the economic phases of our Government as expressed through the N. R. A. or other similar act intended to meet modern industrial life.

Now let us discuss some of the political phases of the N. R. A. and of things in general. When we voted on the N. R. A. last week I read in the newspaper, 3 hours before we passed the N. R. A., this headline: "Congress passes N. R. A." In other words, the newspaper reporters knew 3 or 4 hours before what Congress was going to do. In fact, I have to pick up the paper every morning to see what I am supposed to do. The CONGRESSIONAL RECORD is somewhat long and somewhat tiresome—and I realize that I am making it tiresome right now—and you have to shuffle through many pages to find anything, and even then you do not know exactly what is going to happen. You can read in the paper that a certain rule is coming up the next day for a certain length of time; that at the end of a certain length of time we will vote, and that we will then vote "aye" or "nay." I can get up at 7 o'clock in the morning, go to my hotel door and open it, and there I find a newspaper telling me exactly what I am going to do during the day.

Now, today I read in the Washington Post:

House to extend N. R. A. under gag rule today.

The article further says:

The route to final passage, 2 days ahead of N. R. A.'s June 16 deadline, was specially beacons late yesterday by a rigid House rule limiting all debate today on the Senate's extension resolution to 1 hour.

Now, the Washington Herald says:

House orders gag. Vote N. R. A. today.

So undoubtedly, the newspapers must be right, for they have never been wrong on predicting exactly what we are going to do.

Be that as it may, I shall vote for this rule, although we rushed the other N. R. A. through quickly in a few minutes—or rather in about an hour and a half—it has since been over in the Senate where they have rather thoroughly discussed it, filibustered it, and where we now understand it; and now, this new N. R. A. before the House provides in effect that the Sherman antitrust law shall not be suspended but shall be enforced—which was provided in my amendment and defeated by a small margin in this House—and it specifically sets out that there shall be no price fixing, and expresses through Congress at least a policy in opposition to sweatshops and child labor, long hours, and abuse of the rights of the ordinary man, and the intention of this legislation is good and should be passed. Therefore, I shall not object to the newspapers telling in advance what I am going to do, but shall be happy to vote for the bill and the rule, because it includes the better features of the old N. R. A., with its worst ones eliminated, and should be preserved for the time for purposes of collecting data, information, and statistics if for no other.

Mr. SABATH. Mr. Speaker, I yield 5 minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Speaker, there is in this Government one official who is responsible only to the Congress of the United States, to nobody else; and that is the Comptroller General of the United States, Hon. J. R. McCarl—and he is a good one, even though he is a Republican. He was brought here by Senator NORRIS, one of the ablest and most fearless men in either House of Congress [applause], and J. R. McCarl is an honest, efficient, active, alert, and dependable official of the Government.

I want you colleagues on the other side of the aisle to get this and remember it every time you make a speech such as was made by my friend a moment ago: Not a dollar can be paid out of the Treasury of the United States except by

law, by the laws that you pass here on this floor; and if there ever is an attempt made to spend a dollar of money out of the people's Treasury except by law it will be stopped in the twinkling of an eye.

There never has been an instance yet where any attempt was made to spend money against provisions of law but what the Comptroller General of the United States has stopped it immediately. I have seen him stop big Cabinet officers. I have seen him stop the Secretary of War, I have seen him stop the Secretary of the Navy, I have seen him stop the Postmaster General and the Secretary of the Treasury, I have seen him stop organization after organization of the Government when they have attempted to spend money against the provisions of law.

So remember when you go to criticize, remember that you Republicans on that side of the aisle have in office a faithful, honest, efficient Republican officer of this Government, whose duty it is to prevent money being spent except according to law; and he is a man in whom every Democrat has confidence, in whom you have confidence. So it should go out to the American public that their money is safe in the Treasury, so far as being spent unlawfully is concerned; it cannot be spent unlawfully.

Mr. Chairman, I yield back the balance of my time.

Mr. SABATH. Mr. Speaker, I yield 5 minutes to the gentleman from Kentucky [Mr. VINSON].

Mr. VINSON of Kentucky. Mr. Speaker, it has been indicated that an amendment was offered in the House during the consideration of Senate Joint Resolution 113 similar in nature to the Senate amendment upon which we are to pass today. The RECORD will disclose, Mr. Speaker, that no amendment similar to the one now under discussion was offered by anyone. It has been stated that the Senate amendment now under discussion was included in the motion to recommit. The RECORD will disclose that the motion to recommit was for a study of these problems by the Federal Trade Commission. So that the RECORD will be clear I insert herewith the Senate amendment:

To the text of said amendment (House amendment in S. J. Res. 113), after the word "repealed" in the last line thereof, insert " : Provided, That the exemption provided in section 5 of such title shall extend only to agreements and actions thereunder (1) putting into effect the requirements of section 7 (a), including minimum wages, maximum hours, and prohibition of child labor; and (2) prohibiting unfair competitive practices which offend against existing law, including the antitrust laws, or which constitute unfair methods of competition under the Federal Trade Commission Act, as amended."

I make the broad statement that there is nothing added to the Senate Joint Resolution 113 as amended by the House. I call your attention to the fact that everything in subsection 1 in the Senate amendment is authorized and required in the original N. I. R. A. and its extension passed last week. I further state that the inclusion of section 7 (a) in any agreement that could be entered into by the President of the United States under the Senate resolution as amended in the House last week is mandatorily required. I quote section 7 (a) in its entirety:

Every code of fair competition, agreement, and license approved, prescribed, or issued under this title shall contain the following conditions: (1) That employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of labor or their agents in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection; (2) that no employee and no one seeking employment shall be required as a condition of employment to join any company union or to refrain from joining, organizing, or assisting a labor organization of his own choosing; and (3) that employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment approved or prescribed by the President.

It will be remembered that under the N. I. R. A. we had three methods set out therein, namely, codes, agreements, and licenses. Codes went out under the Supreme Court decision. The license provisions went out under the operation of the law itself a year ago. Voluntary agreements were all that remained in the N. I. R. A. extension act.



Voluntary agreements are included in section 7 (a). This section says that every agreement approved under this title shall contain the conditions of section 7 (a). In other words, no agreement could have been entered into under the N. I. R. A. or the extension resolution without having in it the provisions of section 7 (a) which gave employees the right to organize and bargain collectively, the right to join a union of their own choosing or refrain from joining one which they did not choose, and provide for maximum hours of labor, minimum rates of pay, and other conditions of employment approved by the President.

Consequently, I say that there could have been no agreement approved by the President either under the original N. I. R. A. or the extension measure that would not include "putting into effect the requirements of section 7 (a), including minimum rates of pay, maximum hours of labor, and prohibition of child labor."

Subsection 2 of the Senate amendment prohibits unfair competitive practices which offend against existing law, including the antitrust law, or which constitute unfair methods of competition under the Federal Trade Commission Act, as amended. It is inconceivable to me that industry would agree or that the President would approve any agreement which contained an unfair competitive practice which was a violation of law or against which the Federal Trade Commission had inveighed. It is inconceivable to me that industry would agree upon unfair competitive practices which were criminal in nature; but if they did reach such an agreement, who would intimate that the President of the United States would approve such agreement? Neither would such agreement contain criminal offenses or unfair methods of competition so determined by the Federal Trade Commission.

In my judgment, the Senate amendment adds nothing to and subtracts nothing from Senate Joint Resolution 113, as amended in the House last week.

[Here the gavel fell.]

Mr. SABATH. Mr. Speaker, I yield one-half minute to the gentleman from Connecticut [Mr. KOPPLEMANN].

Mr. KOPPLEMANN. Mr. Speaker, this afternoon at 5 o'clock our distinguished colleague the gentleman from New York [Mr. Sisson] will deliver an address over the radio on the subject of The Judicial Veto. I understand the gentleman has made a very deep study of this subject, and I am sure his talk will be of interest to all the Members.

Mr. SABATH. Mr. Speaker, I yield 5 minutes to the gentleman from North Carolina [Mr. DOUGHTON].

Mr. DOUGHTON. Mr. Speaker, as has been previously explained by the gentleman from Kentucky [Mr. VINSON], the resolution now under consideration adds nothing and subtracts nothing from Senate Joint Resolution 113 as amended by the House.

The gentleman from Ohio has seen fit to find fault with everything connected with the N. R. A. He sees some good in the N. R. A., but says it ought to be killed and it ought to be amended. He finds every possible fault. If it can make the gentleman feel any easier, sleep any sounder, or make him any happier or result in his living longer, may I say that certainly there is no objection to this perfectly harmless amendment being adopted.

The merits and demerits of the N. R. A. and of the House resolution relating to that subject were fully discussed and voted upon on June 7. The amendment to Senate Joint Resolution 113 was adopted by a vote of 265 to 121. So there is no use of additional debate on that subject. It was fully discussed at that time and the amendment was fully explained. Every criticism that could be thought of on the other side of the aisle, so far as the N. R. A. was concerned, was made at that time.

Mr. Speaker, there are two reasons why we are willing to agree to the Senate amendment. First, it means nothing; it adds nothing; neither does it subtract anything from the resolution. On the other hand, if we do not concur in the Senate amendment and send it back to the Senate, this will take additional time and means delay, which those on the other side would like to see happen. They are anxious to kill the N. R. A., of course. I hope the Members on this side

and the Members on the other side who believe that there has been some good accomplished through the N. R. A. will vote to concur in the Senate amendment. [Applause.]

Mr. SABATH. Mr. Speaker, I have no further requests for time. Therefore, I move the previous question on the adoption of the resolution.

The previous question was ordered.

Mr. RICH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RICH. It was stated by the gentleman from Ohio that we would have permission to speak on the amendment submitted by the Senate. May I inquire if we will have an opportunity to discuss the Senate amendment?

The SPEAKER. If the resolution is adopted, that will be the end of the matter.

Mr. RICH. Then we are shut off completely from debate?

The SPEAKER. The Chair has answered the parliamentary inquiry of the gentleman.

The question is on the adoption of the resolution.

Mr. TAYLOR of Colorado. Mr. Speaker, on that I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 336, nays 31, not voting 63, as follows:

[Roll No. 95]

YEAS—336

Adair	Darden	Hildebrandt	May
Allen	Delaney	Hill, Ala.	Mead
Amle	Dempsey	Hill, Knute	Meeks
Andresen	Dietrich	Hill, Samuel B.	Merritt, N. Y.
Andrew, Mass.	Dingell	Hobbs	Millard
Andrews, N. Y.	Disney	Hoeppel	Miller
Arends	Dobbins	Hoffman	Mitchell, Tenn.
Arnold	Dockweiler	Hook	Monaghan
Ashbrook	Dondero	Hope	Montague
Bacharach	Dorsey	Houston	Montet
Barden	Doughton	Huddleston	Moran
Beam	Doxey	Hull	Moritz
Beiter	Drewry	Imhoff	Mott
Bell	Driscoll	Jacobsen	Murdock
Berlin	Driver	Jenckes, Ind.	Nelson
Biermann	Duffy, N. Y.	Jenkins, Ohio	Nichols
Binderup	Duncan	Johnson, Okla.	Norton
Blackney	Dunn, Pa.	Johnson, Tex.	O'Brien
Bland	Eaton	Johnson, W. Va.	O'Connell
Blanton	Eckert	Jones	O'Connor
Bloom	Edmiston	Kahn	O'Day
Boehne	Eicher	Kee	O'Leary
Bolleau	Ekwall	Keller	O'Neal
Boland	Ellenbogen	Kelly	Owen
Boylan	Engel	Kenney	Palmisano
Brewster	Englebright	Kerr	Parks
Brown, Ga.	Evans	Kimball	Parsons
Brunner	Farley	Kleberg	Patterson
Buchanan	Fenerty	Kloeb	Patton
Buck	Fiesinger	Knutson	Pearson
Buckler, Minn.	Fish	Kocalkowski	Peterson, Fla.
Buckley, N. Y.	Flannagan	Kopplemann	Peterson, Ga.
Burdick	Fletcher	Kramer	Pettengill
Burnham	Focht	Kvale	Pfeifer
Caldwell	Ford, Calif.	Lambeth	Pierce
Cannon, Mo.	Ford, Miss.	Lanham	Pittenger
Carlson	Frey	Larrabee	Plumley
Carmichael	Fuller	Lea, Calif.	Polk
Carter	Fulmer	Lee, Okla.	Powers
Casey	Gambrill	Leibach	Quinn
Cavichia	Gasque	Lemke	Ramsay
Chandler	Gavagan	Lewis, Colo.	Ramspeck
Chapman	Gearhart	Lewis, Md.	Randolph
Christianson	Gehrmann	Lloyd	Rankin
Church	Gifford	Lord	Rayburn
Citron	Gilchrist	Lucas	Reece
Clark, Idaho	Gildea	Luckey	Reed, Ill.
Clark, N. C.	Gillette	Lundeen	Reed, N. Y.
Coffee	Goldsborough	McAndrews	Reilly
Colden	Goodwin	McCormack	Richards
Cole, Md.	Granfield	McFarlane	Robertson
Cole, N. Y.	Gray, Pa.	McGehee	Robinson, Utah
Collins	Green	McGrath	Rogers, Mass.
Colmer	Greenway	McGroarty	Rogers, N. H.
Connery	Greenwood	McKeough	Romjue
Cooley	Greever	McLaughlin	Rudd
Cooper, Tenn.	Guyer	McLeod	Ryan
Corning	Gwynne	McMillan	Sabath
Costello	Haines	McReynolds	Sanders, La.
Cox	Halleck	McSwain	Sanders, Tex.
Cravens	Hamlin	Maas	Sandlin
Crawford	Hancock, N. C.	Mahon	Sauthoff
Crosby	Harlan	Mapes	Schaefer
Crosser, Ohio	Hart	Marcanonio	Schnelder
Crowe	Harter	Martin, Colo.	Schuetz
Crowther	Hartley	Martin, Mass.	Schulte
Cullen	Healey	Mason	Scott
Cummings	Hennings	Massingale	Scruggam
Daly	Hess	Maverick	Sears

Secrest	Sullivan	Turner	Whittington
Seger	Summers, Tex.	Turpin	Wigglesworth
Shanley	Sutphin	Utterback	Wilcox
Sirovich	Tarver	Vinson, Ga.	Williams
Sisson	Taylor, Colo.	Vinson, Ky.	Wilson, La.
Smith, Conn.	Taylor, S. C.	Wallgren	Withrow
Smith, Va.	Taylor, Tenn.	Walter	Wolcott
Smith, Wash.	Terry	Warren	Wolverton
Snell	Thomas	Warren	Wood
Snyder	Thomason	Wearin	Woodruff
Somers, N. Y.	Thompson	Weaver	Woodrum
South	Tobey	Welch	Young
Starnes	Tolan	Werner	Zimmerman
Stefan	Tonry	West	Zioncheck
Stubbs	Truax	Whelchel	The Speaker

## NAYS—31

Bacon	Ditter	Kinzer	Rogers, Okla.
Bolton	Ferguson	Ludlow	Stewart
Buckbee	Fernandez	McLean	Taber
Carpenter	Gray, Ind.	Maloney	Thurston
Cartwright	Griswold	Marshall	Tinkham
Castellow	Hancock, N. Y.	Michener	Wilson, Pa.
Darrow	Higgins, Conn.	Ransley	Wolfenden
Deen	Hollister	Rich	

## NOT VOTING—63

Ayers	DeRouen	Kennedy, N. Y.	Robson, Ky.
Bankhead	Dickstein	Kniffin	Russell
Brennan	Dies	Lambertson	Sadowski
Brooks	Dirksen	Lamneck	Shannon
Brown, Mich.	Doutrich	Lesinski	Short
Bulwinkle	Duffey, Ohio	McClellan	Smith, W. Va.
Burch	Dunn, Miss.	Mansfield	Spence
Cannon, Wls.	Eagle	Merritt, Conn.	Stack
Cary	Faddis	Mitchell, Ill.	Steagall
Celler	Fitzpatrick	Oliver	Sweeney
Clalborne	Gassaway	O'Malley	Thom
Cochran	Gingery	Patman	Treadway
Cooper, Ohio	Gregory	Perkins	Underwood
Cross, Tex.	Higgins, Mass.	Peyser	Wadsworth
Culkin	Holmes	Rabaut	White
Dear	Kennedy, Md.	Richardson	

So the resolution was agreed to.

The Clerk announced the following pairs:  
Until further notice:

Mr. Oliver with Mr. Treadway.  
Mr. Mansfield with Mr. Wadsworth.  
Mr. Celler with Mr. Short.  
Mr. Cochran with Mr. Merritt of Connecticut.  
Mr. Fitzpatrick with Mr. Culkin.  
Mr. Eagle with Mr. Holmes.  
Mr. Steagall with Mr. Cooper of Ohio.  
Mr. Patman with Mr. Dirksen.  
Mr. Kennedy of New York with Mr. Fenerty.  
Mr. Dickstein with Mr. Lambertson.  
Mr. Stack with Mr. Doutrich.  
Mr. Sweeney with Mr. Robson of Kentucky.  
Mr. Thom with Mr. Perkins.  
Mr. Ayers with Mr. Lamneck.  
Mr. Dunn of Mississippi with Mr. O'Malley.  
Mr. Richardson with Mr. Rabaut.  
Mr. Burch with Mr. McClellan.  
Mr. Bankhead with Mr. Cannon of Wisconsin.  
Mr. Cross of Texas with Mr. Brennan.  
Mr. Lesinski with Mr. Brown of Michigan.  
Mr. Russell with Mr. Dear.  
Mr. Gassaway with Mr. Clalborne.  
Mr. Sadowski with Mr. Kennedy of Maryland.  
Mr. Kniffin with Mr. Higgins of Massachusetts.  
Mr. White with Mr. Underwood.  
Mr. Faddis with Mr. Duffey of Ohio.  
Mr. Smith of West Virginia with Mr. Gingery.  
Mr. Dies with Mr. Brooks.  
Mr. DeRouen with Mr. Peyser.

The SPEAKER. The Clerk will call my name.

The Clerk called Mr. BYRNS's name, and he voted "yea."

Mr. MAHON and Mr. HOFFMAN changed their votes from "no" to "aye."

Mr. DARROW and Mr. THURSTON changed their votes from "aye" to "no."

Mr. KEE. Mr. Speaker, my colleague the gentleman from West Virginia, Mr. SMITH, has been called away on account of important business. He asked me to say that if he were present he would vote "yea."

Mr. McCORMACK. Mr. Speaker, the gentleman from Massachusetts, Mr. RUSSELL, is unavoidably absent. If present, he would vote "yea."

Mr. CONNERY. Mr. Speaker, my colleague the gentleman from Massachusetts, Mr. HIGGINS, is unavoidably absent. If present, he would vote "yea."

Mr. DITTER. Mr. Speaker, our colleague, the gentleman from Kentucky [Mr. CARY], is absent on account of the death of our late colleague, Mr. CARDEN. I have a pair with the gentleman from Kentucky. If he were present, he would vote

"aye", and I therefore withdraw my vote and answer present.

Mr. MAY. Mr. Speaker, my colleagues [Mr. SPENCE, Mr. CARY, Mr. GREGORY, and Mr. ROBSON] are all necessarily absent on business of the House. If present, they would each vote in the affirmative.

Mr. CANNON of Missouri. Mr. Speaker, I ask unanimous consent to announce that my colleague, the gentleman from Missouri [Mr. SHANNON], requests that he be paired against the rule. However, in view of the fact that a vote on the rule is, in effect, a vote on the Senate resolution, I ask that he be given a general pair.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

A motion to reconsider was laid on the table.

## MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Horne, its enrolling clerk, announced that the Senate insists upon its amendments to the bill (H. R. 6323) entitled "An act to provide for the custody of Federal proclamations, orders, regulations, notices, and other documents, and for the prompt and uniform printing and distribution thereof", disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BARKLEY, Mr. McKELLAR, and Mr. NORBECK to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate to the bill (H. R. 7982) entitled "An act to amend the Migratory Bird Hunting Stamp Act of March 16, 1934, and certain other acts relating to game and other wildlife administered by the Department of Agriculture, and for other purposes."

## EMERGENCY RAILROAD TRANSPORTATION ACT, 1933

Mr. GREENWOOD. Mr. Speaker, I call up House Resolution 258.

The Clerk read as follows:

*Resolved*, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of House Joint Resolution 319, a joint resolution extending the effecting period of the Emergency Railroad Transportation Act, 1933. That after general debate, which shall be confined to the joint resolution and shall continue not to exceed 1 hour, to be equally divided and controlled by the Chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the joint resolution shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the joint resolution for amendment, the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion, except one motion to recommit, with or without instructions.

Mr. GREENWOOD. Mr. Speaker, this is a resolution from the Rules Committee providing for the consideration of House Joint Resolution 319, providing for the extension of title I of the Emergency Railroad Transportation Act, which we passed in 1933.

The other titles of the law are permanent law, but title I expires by operation of law on the night of June 16, or next Sunday, at midnight. The purpose of this measure is to extend title I.

This title provides for the Coordinator who has administered the law since its enactment. Because of the emergency in unemployment, the act froze the employment situation on the railroad transportation systems as of that date, May 1933, except that the railroads can take advantage of such vacancies as may arise by death or resignation or retirement. Outside of these vacancies, the employment stands as it did at the time of the enactment of the law. Without this emergency legislation, as I understand it, there would be opened up a field for consolidation of railroads and for a reduction of employees, as the railroads might see fit. We feel that an emergency still exists in reference to employment and that the coordinator should be continued as under the previous act and that the employment situation



should stand as it has stood under the Transportation Act for the last 2 years.

The rule is an open rule and provides for 1 hour of debate, with full right of amendment. Both the railroad men and the railroad management have spoken in high terms of praise of Mr. Eastman as a coordinator and of his services in the administration of this law. We think its passage is imperative as an emergency measure and that title 1 of the act should be continued, and therefore this action becomes necessary.

Mr. TAYLOR of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. GREENWOOD. I yield.

Mr. TAYLOR of Tennessee. Can the gentleman tell us what has been accomplished up to this time under this title?

Mr. GREENWOOD. As I understand it, there have been certain consolidations presented to Mr. Eastman upon which he has ruled, and certain questions relative to employment. I cannot tell the gentleman about the details as well as some of the members of the committee.

Mr. TAYLOR of Tennessee. I was simply wondering how many actual coordinations have been made.

Mr. GREENWOOD. I cannot give the gentleman that information, but I think the gentleman from Ohio [Mr. CROSSER] or the gentleman from Michigan [Mr. MAPES] can give the gentleman the information, and these gentlemen will be yielded time later.

The President approves this measure, and we feel that the benefits that have been achieved by reason of this law should be preserved and that the policy should be continued for the present. Title 1 of the former act should be extended as provided in the joint resolution.

If there are no further questions, speaking simply on the adoption of the rule, which I hope and trust will be agreed to, I shall yield to others.

Mr. MILLARD. Mr. Speaker, will the gentleman yield?

Mr. GREENWOOD. I yield.

Mr. MILLARD. Has any report been made by Mr. Eastman or anyone connected with his organization?

Mr. GREENWOOD. I think so, but I would rather the gentleman asked the gentleman from Ohio [Mr. CROSSER] or the gentleman from Michigan [Mr. MAPES]. The hearings were before the Interstate and Foreign Commerce Committee, and they are more familiar with the matter. The resolution shall be discussed by members of the Committee on Interstate and Foreign Commerce.

Does the gentleman from Pennsylvania desire any time?

Mr. RANSLEY. No.

Mr. GREENWOOD. Then, Mr. Speaker, I yield to the gentleman from Ohio [Mr. CROSSER].

Mr. CROSSER of Ohio. I do not care to make a speech. I simply want the legislation adopted.

Mr. GREENWOOD. Mr. Speaker, no further time being requested on the adoption of the rule, I therefore move the previous question.

The resolution was agreed to.

#### COMMENCEMENT AT NIAGARA UNIVERSITY

Mr. MEAD. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and insert therein an address delivered by the Postmaster General at Niagara University.

The SPEAKER. Without objection, it is so ordered.

There as no objection.

Mr. MEAD. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following commencement address delivered by Hon. James A. Farley to the graduating class of Niagara University, Niagara Falls, N. Y., June 11, 1935:

To the president and faculty of Niagara University may I acknowledge with sincere gratitude the signal honor that has been conferred upon me today. I am happy to become associated with this historic institution and to become a member of its alumni association. The training received under the Vincentian Fathers has enabled the graduates of Niagara by their activities to reflect in achievement the labors so freely given in the name of God by those devoted men whose sacrifices have made possible this great university.

To the graduating class, of which I am happy to be counted as an honorary member, I wish to address my remarks. You are

completing a course of excellent training which should fit you well to cope with present-day problems. As a class you are entering into life's work with hundreds of other classes that are being graduated this month from institutions throughout the land. You are part of a great army of men and women possessed of special training entering into a world at a time when great problems are in the course of solution. There are tens of thousands of you new graduates who may not realize that your combined influence is bound to affect the course of future civilization. But such is the case, for the world's economic system is in a period of transition and is extremely sensitive to every new influence entering into what today to many people seems a maze of uncertainty.

Now, where are we to get the guides who will lead the world out of this period of doubt and uncertainty? They must come from such institutions as this—places where men and women may not merely acquire such knowledge as can be found in books or absorbed from the words of the devoted men who have been your teachers. These are the students of yesterday, as you are the students of today. Theirs has been the part of greatest services to humanity, for they are the ones who pass on from generation to generation all that experience and research have taught mankind.

If civilization has any meaning it is that, forever and forever, the effort must be to increase the total of happiness of the world. Success, such as I am sure you all seek—fame, power, riches—serve but for a lifetime, and pass; but what remains is progress. Most of us are not conscious that our selfish aims and ambitions tend to the general good but, inevitably, that is what happens. Fame becomes an example; power resolves itself into leadership; and riches, sooner or later, flow into the common pool of public improvement.

The greatest thing you and those other thousands of men and women who step into the arena of action today have acquired is that you have learned to think.

Man only learns by experience—his own or that of others—and education so gained is the lever that moves the world. It is the power that lifts mankind, that makes it possible to avoid the pitfalls of the past, and harvest the best the future has in store. And the more education is diffused, the surer is that harvest. So I say to you that yours is the glory and the honor and the task to end the doubt and the uncertainty, and carry on the supreme work of progress.

I recognize that I come here from the Capital of the greatest Nation of the world and, as a member of the one Government in the world on which the eyes of all nations are focused. We are looked up to everywhere because of the definite purpose of the present American administration to solve the problem of economic rehabilitation with a completeness that will assure permanency as to time, protection as to people, and prosperity as to result. I recognize also that unexpected events of recent days have intensified the seriousness of situations that continue grave, although definitely progressing toward improvement. These events have imposed on our Government additional problems that must be solved if the battles already won are to be followed by further victories in our fight to effect the conquest of depression. On their practical solution depends the eventual institution of a workable system of industry to provide for all the equitable distribution of the fruits of labor. Only a consuming power sufficient in volume to protect our processes of production, on which our prosperity depends, can save those processes from collapse.

I have come here with a message of confidence. In comparison with all the other nations of the world, these United States stand preeminent. In the genius of our people, the productivity of our soil, and the vast store of our natural resources we possess the elements which are bound, with proper planning, to provide a high standard of living for all of our citizens.

The proper planning after 2 years of proven results has suffered a temporary set-back. The very nature of that set-back is a proof of the permanency of our institutions, and as loyal Americans living in orderly procedure, we must accept the set-back and proceed according to its terms.

But proceed we will; and you need not fear that our progress will be balked, for, at the helm of our ship of state is a guiding hand which has piloted us safely through the storms of 2 treacherous years. Now that the harbor is in sight you can be sure that he will find his way out of the present shoals into the channel of content and bring the ship safely into the port of prosperity. The accomplishments of the past provide you adequate reasons for your confidence in the future, and you graduates can go out into the world with full assurance that you will have every opportunity of successfully utilizing the training you have received. As you grow older you will be glad that you started on your way at the same time that a fairer and more equitable economic system was in the process of formulation. There is no doubt whatever that a new field of opportunity has been established for the use of America because of the fearlessness, foresight, genius, and the accomplishment of that great humanitarian, our President, Franklin D. Roosevelt.

You graduates of Niagara University who are before me have the privilege of a great opportunity. I have mentioned before the tens of thousands of others who are being graduated this month. Add to them the hundreds of thousands of graduates who have received their degrees during the 5 years that have elapsed since the start of the depression and look ahead another 5 years when other hundreds of thousands will join your ranks, and you have the composite force which will shape future civilization. These college-educated men and women of this decade of transition, together with those thousands of others of your age who will educate themselves, constitute a great trained army upon whom it is



incumbent to provide for the continual expansion of the privileges you have received so that they can be within the reach of all.

Such extension of the privilege of education is the one sure way of relegating to oblivion all of the destructive forces of the many "isms" that are being promoted by the demagogues who seek to destroy by pulling down our democratic institutions, and by those at the opposite pole who seek to have and to hold illicit privilege. Both are in error.

Your training has taught you that error leads to inevitable failure and that truth must predominate. A truth that has been demonstrated through all the centuries of history is that some must lead. Give everyone equal opportunities and always a class of leaders will arise. These leaders are the thinkers and the executives who must provide the ways of progress. On their unselfish utilization of the natural talents bestowed upon them by their Maker and the opportunities they found depends whether or not they can permanently remain in possession of the powers of leadership. Twenty-five years from now, when the leaders of today are gone, the truth of what I am saying will be apparent to you, from among whom will come the leaders of tomorrow whose efforts will make possible the attainment of the goal.

Your first aim should be to extend as far as possible the privileges you have received. A college diploma is no longer a distinction. It should be just as much a right of all our boys and girls who are ambitious for or capable of profiting from that education as has been primary learning in the past. New York State has extended the compulsory-school age this year, which is a step in the right direction, but until the opportunity for higher education is just as general as the present grade- and high-school education, we fall short of that first principle of American citizenship—equal opportunity for all.

You know from your own experience that training by competent teachers is the one sure antidote for blind, and unreasoning, and destructive agitation against democratic government. You know, that the discipline which you have undergone has taught you to control yourselves and to respect our institutions. You know, that if all of our young men and women could have the same benefits that you enjoy the followers of the demagogic agitators would be fewer, that the potential criminals would be fewer, and a more enlightened citizenry would more intelligently solve the present-day problems of distress.

I am prepared to answer the two arguments that would be used against universal extension of higher education. The first argument is the cost. Wouldn't it be far better, if we realize that the pressing problem of the day is unemployment, that we keep our young men and women in training which would benefit them in later life? This would make possible the employment of more of those of mature years and thus reduce the expense we are at present under in taking care of the unemployed. At the same time thousands more would be engaged in the profession of teaching, thus providing jobs of a useful nature, the benefits of which would accrue through the centuries. Of course there would be extension of educational facilities as represented by plant and equipment. Every extension of this nature would provide employment; and what better way can be found for providing jobs than by making a happier people and establishing a citizenry that will cut down the forces that breed crime, communism, and chaos?

The second argument that will be broached is, "What will we do with all our people if they are educated?" America has grown great because of the continual raising of our standards of living. Just as we today would not return to the standards of living of 25 years ago, so will you, 25 years from now, look back on today as an antique age. In the past 25 years we have had a material progress. Motor transportation, rapid communication, high-speed railroad service, palatial ships, radio, massive buildings, motion pictures, mass production, aviation—these and many other advancements have all been on the material side. They have progressed with miraculous speed under the inspiration begotten of a zeal for acquisitiveness. The good is that as a Nation we can have plenty of everything with a minimum of productive effort. The evil that has resulted is that we have a hundred and thirty million of citizens who do not know just how to make possible the utilization of all of these inventions of modern progress. Since they do not know how, the lack of use has prevented them from having the means to afford their utilization even if they knew how to use them. A constant increase of education will implant the desire for continual higher standards of living, for an increasing demand for the finer things of life.

You who have spent 4 years at Niagara know that this area should be the mecca for many thousand more tourists than have actually enjoyed the scenic beauties of this historic river. Travel has fallen off because many have not the means; but if those who have the means would follow their impulses, thousands of others would be at work performing the services incidental to the entertainment of the traveling public. You know that the facilities of traveling can be expanded and utilized by the income which would be provided in the expansion of the facilities themselves. You know that a large part of the people do not travel because the desire has not been implanted in them, and you know that this desire would be implanted by education.

Likewise you know that many people not having a clear perspective on what the future holds are living under conditions that would be intolerable to them if by education the finer modes of living were made apparent. In this age where modern inventions have made possible low-cost houses that would have been considered palaces 50 years ago, those having the means of living in such houses are not always doing so. Only by education can this

desire for better housing be promoted. And the very attainment of this desire by those able to do so will continually provide an incentive for a greater number of our citizens to improve their living conditions.

And as in travel and in housing, leisure time will be spent in the enjoyment of wholesome sports, clean plays, instructive lectures, in boating, motoring, and the thousand and one other ways that will promote the physical and mental well-being of our people. In providing the facilities for such recreations, new wealth will be created, which will provide employment out of which a more contented citizenry, improved in mind and body, will receive the benefits in a full measure of such a parade of progress.

But if we are going to create the high order of civilization that I have described, it is necessary to create a desire for its enjoyment, and this desire can only be created by the education of our people so that they can properly appreciate the benefits available. In the whole scheme of things the more informed and the better trained are our people, the more will they be able to have all of the comforts as well as the necessities that can be provided by intelligent planning.

There are so many things to be done that you need have no fear as you go into the whirlpool of life's activities. Direct your talents toward uplifting and unselfishly endeavor to help others upward and your success will take care of itself. If my words seem impractical, just ponder on the fact that for 5 years we have been universally an unhappy people, because material success was the goal. Then realize that just across the Niagara Gorge, a great nation has been able, for a century and a quarter, to live beside this great Nation of ours, in peaceful tranquillity, begotten of utter lack of material defenses; while in Europe, strife and war have resulted because one nation trusted not the other and because one people tried not to help the other.

There is an example of what friendship among nations will bring about. It is a fitting example for us as people to follow. From every other known system of economics we reached the brink of disaster. We are now building by uplifting. Uplifting comes through education. You, who have the benefits of education must use them to uplift others. Do so unselfishly and the results you obtain will well repay the sacrifices made by these good Vincentian Fathers on your behalf. In repaying your debt to them, you will at the same time be producing for posterity a rich heritage, and the sacrifices made by our forefathers who opened up this land of plenty, will at last bear the fruits they intended, and America will be what America deserves to be, a haven of happiness, where all will start with equal opportunities and will achieve in proportion to what they contribute to the general good in effort and energy.

#### EXTENDING THE EMERGENCY RAILROAD TRANSPORTATION ACT, 1933

Mr. RAYBURN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of House Joint Resolution 319, extending the effective period of the Emergency Railroad Transportation Act, 1933.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. LEWIS of Colorado in the chair.

The Clerk read the title of the bill.

Mr. RAYBURN. Mr. Chairman, I yield 5 minutes to the gentleman from Montana [Mr. MONAGHAN].

Mr. MONAGHAN. Mr. Chairman and ladies and gentlemen of the Committee, the urgent necessity for this legislation makes me hesitate even to consume the 5 minutes allowed me. I am not making any partisan speech, because I do not believe in making partisan speeches.

In 1933, when Franklin D. Roosevelt was inaugurated President of the United States, the vested interests, railroads, banks, insurance companies, all forms of business were willing to accept his leadership, and under that leadership business continued to increase and the people continued to become happier and their condition more secure.

But just like all business, which is usually selfish and acquisitive, they forgot the benefits that Franklin D. Roosevelt's leadership brought them, and today they vigorously oppose legislation designed to bring recovery.

I call attention to the fact that the President sent a message to Congress urging the enactment of House Joint Resolution 319. For that reason, I hope that the motion of the gentleman from Ohio [Mr. CROSSER] will be approved to add section 2 which our committee struck from the bill, providing that the \$2 mileage shall be paid by the railroad companies.

They are the ones to benefit from the legislation, if it is continued, and by all the rules of logic, reason, and justice they should be the ones to pay for its continuance.



Mr. TRUAX. Will the gentleman yield?

Mr. MONAGHAN. I yield.

Mr. TRUAX. Are the railroads opposing this legislation?

Mr. MONAGHAN. They appeared before our committee and opposed the resolution. I may say that the chairman of the Railroad Association came before us, and in response to my question as to what he proposed to do for dismissed employees he was at a loss to respond.

Mr. TRUAX. It is approved by the Railroad Brotherhood?

Mr. MONAGHAN. Yes. Mr. George M. Harrison, president of the Railway Clerks and chairman of the Railway Executives' Association, appeared before our committee and made a very able statement in favor of the resolution.

Mr. TRUAX. This resolution—H. J. Res. 319—proposes to extend the effective period of the Emergency Railroad Transportation Act to June 17, 1936, and also proposes to continue until that date the office of Federal Coordinator of Transportation. These features are contained in title I of the Emergency Railroad Transportation Act and were not enacted as permanent legislation. This title and the office of Federal Coordinator were limited to a period not longer than 2 years which expires June 17, 1935.

In my mind there is no question of a needed continuation of this act. Without doubt that need is elemental and fundamental. The benefits accruing jointly for the railroads themselves, for their employees, and for that portion of the public affected directly and indirectly are manifest. While it may be true that some minor disadvantages may have been experienced through the passage of this act those disadvantages were so slight and of such negligible character as not to be worth serious consideration by the real friends of railroad workers and the patrons of transportation service.

The necessity for the act is quite apparent. Railroads, generally, were in a desperate financial condition; due alone not to the depression but also to their own willful selfishness, greed, and lack of economic foresight, and disregard for the rights of others. More than 750,000 railroad employees were dropped from the pay rolls, starting with the depression and continuing to the enactment of this law. Due to both the depression and the competition of other forms of transportation the net income of railroads today is only 50 percent of that for the period 1923-29. Railroads have exhibited a deplorable lack of foresight in determining and complying with the demands of twentieth-century transportation users. Passengers continue to swelter and wallow in hot, filthy, dusty, grimy passenger cars. Railroad executives and boards of directors could not, or would not, see the dire necessity for improved conditions. It was only upon the receipt of Government finances that they developed and made a part of equipment air-conditioned cars and trains. Worst of all they made no attempt whatsoever to meet the growing competition of automobiles, busses, and trucks with a reduction in freight and passenger rates. On the other hand, freight rates were advanced and passengers in most sections still pay 3.6 cents per mile, which in many cases is prohibitive for the users' pocketbooks.

Pullman companies are nothing more or less than bandits and brigands who compel their passengers to pay from \$4 to \$6 per night for the use of a lower berth. Passenger rates should be reduced now to a maximum of 2½ cents a mile, and Pullman rates should be reduced 50 percent. A 30-percent general reduction in freight rates would be justified at this time. Then and then only will there be a large increase in customers, patrons, and receipts by the railroads.

Millionaire owners of the railroads and Pullman cars are not only economically blind, they are stubborn. They stick to the oxcart age insofar as rates are concerned. They have been immensely benefited by the Government and taxpayers. Approximately \$500,000,000 have been loaned by the Reconstruction Finance Corporation; only \$70,000,000 have been repaid; \$50,000,000 is in default. Many roads are in receiverships, bankruptcy, or in the hands of trustees. Through the operation of this act large savings can be realized by railroads should they adopt recommendations made by the Coordinator and his staff. The continuation of this

act is vitally necessary for the maintenance of the positions of railroad workers now employed. It is absolutely necessary to the reemployment of those of the 750,000 dropped and not as yet reemployed.

The act provides that the railroads shall pay \$2 for every mile operated by them, for the maintenance of the act. Many railroads wrongfully oppose this charge. An attempt will be made today to repeal that portion of the act, and to have the cost fall on the Government, hence on the shoulders of the taxpayer. I am thoroughly opposed to this attempted repeal. The carriers themselves benefit more than anyone else. Every move for economy by the Coordinator means increased profits for the railroads, consequently they should pay the bill.

The cost of all forward-facing measures and legislation should be borne by those groups who benefit most financially thereby. Some lawyers doubt the constitutionality of this act. In my judgment it is perfectly sound and wholly constitutional. Repeal this act and the railroads would not abide by voluntary agreements as some have suggested, no more than do certain industrialists abide by voluntary agreements under N. R. A. codes.

When considering legislation designed to benefit the railroad systems generally, we should have the broadest perspective and viewpoint, and always remember that railroad men, the railroad workers, are the warp and woof of all of the great railroad transportation systems. I shall continue in the future, as in the past, to fight for the human rights of these workers. [Applause.]

Mr. GRISWOLD. Mr. Chairman, will the gentleman yield?

Mr. MONAGHAN. Yes.

Mr. GRISWOLD. Does it appear at any place in the hearings that while in 1920 there were in the employ of the railroad 2,033,000 men, in 1929 there were employed only 1,600,000, a loss of 400,000, and further, that in this same year, the railroads showed the greatest decrease in the cost of operation, \$1,322,000,000, 70 percent of which was brought about by reason of the reduction of the number of employees.

Mr. MONAGHAN. I believe that point was made by Mr. Harrison when he appeared before our committee.

Mr. DUNN of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. MONAGHAN. Yes.

Mr. DUNN of Pennsylvania. Did I understand the gentleman to say that the railroad employees are in favor of the bill in its present form?

Mr. MONAGHAN. Yes; and I believe they want the committee amendment rejected. That is, they want the railroads to bear the burden of this benefit which they get under this law.

Mr. DUNN of Pennsylvania. And some Member of the House will present that amendment?

Mr. MONAGHAN. Yes. The gentleman from Ohio [Mr. CROSSLER] will present it. I hope the House will accept the amendment of Mr. Crossler, because without it the law will be virtually worthless, as there will not be any money to operate it unless unappropriated funds in the Treasury be appropriated as a deficiency appropriation or the President sees fit to take the money from the \$4,880,000,000 and then it would be taken from worthy causes perhaps for the promotion of emergency employment and relief.

Mr. DUNN of Pennsylvania. I just want to say that I shall vote for whatever the railroad employees want.

Mr. MAPES. Mr. Chairman, so far as I am concerned my position on the resolution can be stated in a very few words. I am in favor of the continuance of the law authorizing the Coordinator of Railroads for another year in view of the present situation. The Coordinator and his staff have made very extensive studies of the railroad situation and have made a great many recommendations and suggested some bills for the consideration of Congress. No consideration has been given to those recommendations by the Congress at this session. Whose fault that is it is not necessary now to determine. It seems to me that the work of the Coordinator and his recommendations will go for naught

largely unless his office is continued long enough to give the Congress an opportunity to make a thorough study of them and the bills that he has suggested. My understanding is that there is no considerable opposition to that feature of this legislation extending the life of the Coordinator. I think a great majority at least of the members of the Interstate and Foreign Commerce Committee believes that under the circumstances the office of the Coordinator should be extended for another year.

The controversy in the committee arose over the second section of the bill, which provides for the assessment of \$2 per mile upon the railroads to meet the expenses of the Coordinator's office. The majority of the committee voted to strike out the section containing that provision. Personally, I did not vote for the motion to strike out the section. I do not think that the section in itself has great significance, but the fact is that we are within 2 days of the time when the office of the Coordinator will expire by law; and unless this legislation is enacted promptly, there will be a hiatus there, and just what the effect of that would be I do not know.

I do not place as much significance as some upon the cost of the matter to the railroads. The \$2-per-mile assessment, as I understand it, will amount to \$530,000; and I understand that that is not a serious matter so far as the railroads are concerned, although, of course, it is an item. That is the way the cost of the Coordinator has been met up to date, and in view of the legislative situation I am in favor of continuing that provision and continuing the office of the Coordinator for another year.

The legislation means a great deal to railroad labor. I think others will discuss that feature of it more in detail, but the law provided that in making consolidations and other changes to bring about economies on the railroads, the number of employees on the railroads could not be reduced below what it was in 1933 except the normal reductions due to death, resignations, and natural retirement, which amount to about 5 percent of the total employment per year, so that now railroad labor under this law could be 10 percent less than it was in 1933, and, of course, as time goes on the reduction might be greater. The law does prevent the discharge of labor because of the consolidations and other changes, and for that reason railroad labor is very much in favor of the passage of the resolution.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. MAPES. Yes.

Mr. MICHENER. There have not been any consolidations up to date?

Mr. MAPES. No. That, however, is natural, because the Coordinator has had to make his study and to make his recommendations, and after he makes his recommendations, adjustments and agreements between the railroads have to be made in order to bring about the necessary changes to put into effect his recommendations.

Mr. MICHENER. I might say to the gentleman from Michigan that the Coordinator has been before the Committee on the Judiciary for weeks with a bill to amend the bankruptcy laws under which railroads are consolidated. As I understand from him, there has been no consolidation possible, and there will be no consolidations until they get additional legislation. I believe the committee will report something within the next couple of weeks.

Mr. MAPES. The statement of my colleague is as I understand the situation, and it seems to me to emphasize the necessity for prolonging the office of the Coordinator until adequate consideration can be given his recommendations by the Congress.

Mr. REECE. Will the gentleman yield?

Mr. MAPES. I yield to my colleague on the committee.

Mr. REECE. It is not anticipated, is it, that there can be any consolidations or savings effected until the roads have gone into bankruptcy to avail themselves of the benefits of the law to which the member of the Committee on the Judiciary referred?

Mr. MAPES. I understand that the elimination of certain terminals and the use of joint facilities, and so forth, can be effected without any bankruptcy proceedings, and it

is hoped that the perfectly solvent roads will make some economies of that kind.

Mr. WITHROW. Will the gentleman yield?

Mr. MAPES. I yield.

Mr. WITHROW. The resolution as it passed the Senate contains a provision that requires the railroad companies to contribute \$2 per mile?

Mr. MAPES. Yes.

Mr. WITHROW. If we adopt the committee amendment, it will mean that this measure will possibly have to go back to the Senate?

Mr. MAPES. It does not mean that it will possibly have to go back. It means that it will have to go back.

Mr. WITHROW. And it will probably have to be acted on again by the Senate?

Mr. MAPES. It will have to go back to the Senate and if the Senate should adjourn this afternoon over until Monday, it might be quite unfortunate.

I reserve the balance of my time, Mr. Chairman.

Mr. RAYBURN. Mr. Chairman, I yield 4 minutes to the gentleman from New York [Mr. MEAD].

Mr. MEAD. Mr. Chairman, it is necessary, in my judgment, to keep in mind two important points in connection with this legislation. In the first place, it is necessary that we continue the functions of the Coordinator's office for at least a period of 1 year. An extension denied at this time will result in chaos. We would lose much of the valuable work accomplished by that agency created by the Congress only a short time ago. The extension therefore is vital and that is the purport of the resolution now before the committee.

During the next year or two vast changes will occur in the transportation agencies of the Nation. New legislation will be considered by Congress, which will embrace within the one department of government every phase of transportation. During that time we need this agency. Therefore the extension of the agency is of vast importance.

Mr. RICH. Will the gentleman yield?

Mr. MEAD. No; not now. But an extension of the agency without funds would be futile, and therefore the Senate proposal which carries with it the money is as vital as the extension itself. When that amendment is offered I trust the House will give it the approval it merits. To provide for the extension of an agency and then to strangle it by lack of funds would in my judgment be a meaningless act, and one that does not merit the attention of this House. I hope the extension will be granted and that the funds necessary will likewise be made available. I hope, too, that the day will come when every major transportation agency will come under the jurisdiction of the Interstate Commerce Commission or some similar agency. It is unwise and unfair to expect the railroad companies of America to compete with other agencies which are not called upon to meet the requirements of local or Federal authority. [Applause.] Competition must be fair and justifiable and under Federal regulation.

We have too much at stake in the welfare and well-being of the Nation to allow the railroad companies to go along in the future as they have in the past, with new forms of transportation springing up, free of Federal regulation and control, taking away the very heart and profit of the business, much of which should go to the railroads. So you and I, in the course of the next year or two, will be called upon to give considerable thought and study to the great question of bringing the transportation facilities of the Nation within the scope of the Interstate Commerce Commission, and let us, during the interim, continue this agency with funds to carry on its work. [Applause.]

The Emergency Railroad Transportation Act of 1933 created the office of the Federal Coordinator of Transportation. During these 2 years the Coordinator has performed a valuable public service in studying our transportation facilities, in suggesting necessary economies, and in ascertaining wise legislative action for the future.

The Coordinator's investigations strengthened the opinion already held by many high Government officials, including



the President, that a definite economic need exists for increased Federal regulation of all forms of transportation.

Particularly, in connection with the railroad industry, he found financial distress, duplication of services, wasteful practices, and a general need for reorganization and coordination of facilities.

The findings of the Coordinator were made public and are now reflected in several bills pending in this session of Congress, which call for expanded authority by the Interstate Commerce Commission in dealing with the problems of transportation.

With the necessary appropriation to carry out its provisions, this resolution, if passed, will make possible the continuation and achievement of an equitable Federal plan for the coordination and reorganization of our country's all-important but now chaotic transportation systems. The economic stability of the carriers, the welfare of the employees, and the provision for adequate public service, are all involved and dependent upon prompt and effective Federal guidance.

For these reasons, and additionally, in view of the recent fate of the Railroad Retirement Act, we must not neglect to study promptly means to preserve the morale of the employees and the efficiency of our industries. This resolution provides the means for obtaining expert judgment in determining future policy. To stop now, when so much good has been accomplished, would invite a national catastrophe of frightening dimensions.

The CHAIRMAN. The time of the gentleman from New York [Mr. MEAD] has expired.

Mr. RICH. Mr. Chairman, may I ask the Chairman of the Committee on Interstate and Foreign Commerce [Mr. RAYBURN] a question? After listening to the remarks of our colleague from New York [Mr. MEAD], I am under the impression that legislation affecting the railroads of this country and various other forms of transportation, so far as the regulation of rates is concerned, is not going to be acted upon at this session of the Congress; is that a correct statement by the gentleman from New York?

Mr. RAYBURN. The Committee on Interstate and Foreign Commerce has never acted on rates. That was turned over to the Interstate Commerce Commission many years ago.

Mr. RICH. I was under the impression that the Committee on Interstate and Foreign Commerce of the House was going to propose legislation at this session of the Congress whereby all forms of transportation—railroads, trucks, and water—would come under an act giving due consideration to the regulation of rates.

Mr. RAYBURN. In the first place, the Committee on Interstate and Foreign Commerce does not have jurisdiction over all that. The waterway end of it went to the Committee on Merchant Marine and Fisheries. We do hope to pass before the session is over a bus and truck regulatory measure. As for aviation, I do not think we will reach it this session.

Mr. RICH. Then I am wrong in assuming from the statement of the gentleman from New York [Mr. MEAD] that this would lie over until another year before action would be had by your committee?

Mr. RAYBURN. The Interstate Commerce Commission recommended many times the regulation of busses and trucks before the Coordinator was ever thought of. In 1929 the House passed a bill to regulate busses, but it failed in the Senate.

Mr. RICH. Does the House expect to pass a bill on that subject at this session?

Mr. RAYBURN. It does.

Mr. MILLARD. Mr. Chairman, will the gentleman yield?

Mr. RAYBURN. I yield.

Mr. MILLARD. Did the committee hold hearings on this joint resolution?

Mr. RAYBURN. Yes.

Mr. MILLARD. Since 1933?

Mr. RAYBURN. Yes.

Mr. MILLARD. Did the majority of the committee vote to strike out section 2?

Mr. RAYBURN. They did.

Mr. MILLARD. We have not heard any explanation about this yet, at least I have not. In order that I may know how to vote, will the gentleman explain the situation?

Mr. RAYBURN. The only question involved is whether the railroads shall continue to pay \$2 a mile, amounting to approximately \$530,000 a year with which to defray the expenses of this agency, or whether they should be paid for by appropriation from the Treasury.

Section 2 of the bill is part of the law under which the Coordinator had been operating for the last 2 years.

Mr. PIERCE. Mr. Chairman, will the gentleman yield?

Mr. RAYBURN. I yield.

Mr. PIERCE. What does the committee expect to do with the bill, Senate 1629, commonly known as the "Wheeler bill", which has passed the Senate?

Mr. RAYBURN. I do not know what the subject matter of the bill is just from hearing its number.

Mr. PIERCE. This bill deals with the regulation of trucks and busses.

Mr. RAYBURN. I will say to the House that that matter has been in the subcommittee for some time. They held extensive hearings and are about ready to report to the full committee. We expect to pass through the committee and through the House a bill for the regulation of busses and trucks. Whether or not it will be exactly like the Wheeler bill is another matter.

Mr. PIERCE. I am in favor of this bill, but I am not in favor of regulating the farmers' trucks for the benefit of the Wall Street bankers.

Mr. WOOD. Mr. Chairman, will the gentleman yield?

Mr. RAYBURN. I yield.

Mr. WOOD. What was the reason for striking out the provision requiring the railroads to contribute on the basis of \$2 per mile? Did not the committee feel the railroads should bear their portion of the expense of administering this act?

Mr. RAYBURN. I did not vote for it myself, but it was the majority view of the committee that it should not be continued. Furthermore, there was some doubt in the minds of a number of members of the committee as to whether we could make the railroads pay this \$2 a mile if they resisted. They thought, therefore, the cost of administering this act should come out of the general revenues of the Government because it was a matter affecting commerce generally, and we pay the expenses of the operation of the Interstate Commerce Commission.

Mr. WOOD. Does not the gentleman believe the railroads would be willing to continue this payment in view of the fact they are the greatest beneficiaries of the law?

Mr. RAYBURN. The only man who spoke for the railroads spoke against the resolution.

Mr. MAPES. Mr. Chairman, I yield 5 minutes to the gentleman from Tennessee [Mr. REECE].

Mr. REECE. Mr. Chairman, when the Emergency Railroad Transportation Act of 1933 was passed, it carried a provision that the railroads should make a contribution of \$1.50 per mile to defray the expenses of its administration. The railroads, during the first year of the existence of this act, did contribute the \$1.50 a mile. At the beginning of the second year it was requested that their contribution should be raised to \$2 per mile. The railroads interposed no objection to raising the contribution. This gave the administration approximately \$500,000 for the year 1933. The Federal Coordinator, who has had charge of the administration of the act, has made extensive studies and has reported to Congress his findings. The reports have not yet been acted upon by Congress. The bills having to do with carrying his reports into effect are now pending in the committees.

The more substantial part of the work of the Federal Coordinator as contemplated when the act was passed has been accomplished. The railroads have borne the expenses of administering the act, amounting to something like \$800,000. This is the entire direct expense except that the Federal Coordinator was allotted something more than \$350,000 from C. W. A. funds, which have been expended.

It was felt that the railroads should not be called upon to continue to bear the burden of administering this act if it is

continued, for the continuance will be for the general benefit of the country, for commerce in general. Under the act as passed originally the railroads were called upon to make contribution to bear the entire administrative costs of the act. It was felt by the committee that it was unfair to call upon the railroads alone of all transportation agencies involved to bear the entire expense; and, as the chairman of the committee stated a while ago, a serious doubt existed as to their being any legal justification for placing this kind of burden exclusively upon the railroads, especially in view of the more recent decisions of the Supreme Court on questions where similar issues were involved. Out of these considerations the committee handling the matter felt that this amendment should be adopted and that the revenue required to bear the expenses of the Coordinator's office should come out of the general revenues. I do not feel there is any reason why the adoption of this amendment should disturb the enactment of the legislation because while it is true that it means the bill must be sent back to the other body, still it can readily be adopted by the other body so as to become law before the term of the Coordinator expires.

[Here the gavel fell.]

Mr. MAPES. Mr. Chairman, I yield two additional minutes to the gentleman from Tennessee.

Mr. REECE. Under the original act there is ample authorization for making available funds out of the general revenue with which to carry on the work of the Federal Coordinator.

Mr. MILLARD. Will the gentleman yield?

Mr. REECE. I yield to the gentleman from New York.

Mr. MILLARD. Does the gentleman feel that the overburdened taxpayers should pay between \$500,000 and \$600,000 out of the Federal Treasury to benefit the railroads mainly? The gentleman is in favor of striking out section 2?

Mr. REECE. The continuance of the Federal Coordinator is not for the benefit of the railroads. The railroads are opposed to the continuation of this office. It is being continued for the benefit of commerce in general, and if it has any effect it has that general effect. Why should one class of citizens, therefore, be called upon to make a contribution in order to bear the expense of one of the functions of an office for the benefit of the general public?

Mr. MILLARD. Have not the railroads willingly and gladly paid their share up to date?

Mr. REECE. They have paid it without objection up to date; yes.

Mr. WOOD. Will the gentleman yield?

Mr. REECE. I yield to the gentleman from Missouri.

Mr. WOOD. The very name of this act indicates what the law intends to do. It is called the Railroad Transportation Act. The gentleman states that this is for the benefit of unified transportation. Does not the gentleman know that when they bring the busses and trucks under the supervision of the Interstate Commerce Commission and under the Coordinator that the rates on busses and trucks, referring to passenger and freight rates, will have to rise, and that the traveling public and the shipping public will be paying more for transportation in order to save the railroads of this country?

[Here the gavel fell.]

Mr. MAPES. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. REECE. Mr. Chairman, the continuance of the office of Federal Coordinator of Transportation has no relation to legislation which is now pending to bring other forms of transportation under the Interstate Commerce Commission. The duties of the Federal Coordinator of Traffic have to do with all forms of transportation, and his recommendations deal with all forms of transportation. The railroads are the only transportation agencies which are called upon under the present act to share in the expense involved in the administration of that office.

Mr. WOOD. What other forms of transportation does the gentleman think are going to benefit by this legislation? It cannot be said that the busses and trucks will benefit, nor the water-transportation systems.

Mr. REECE. The busses, trucks, and water transportation, as well as all other forms of transportation, stand to benefit by the continuation of this office just as much as the railroads. The railroads doubt very seriously that the continuation of this act will benefit them. If its continuance is justified, it is justified only by the effect it may have upon commerce in general.

[Here the gavel fell.]

Mr. MAPES. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin [Mr. WITHROW].

Mr. WITHROW. Mr. Chairman, there seems to be very little, if any, open objection to the continuance of the Emergency Transportation Act for 1 more year; however, there is a controversy over whether or not the railroad companies should continue to contribute \$2 a mile toward the administration of this act, which indeed is a nominal sum. This is an effort on the part of the secret enemies of this legislation to kill the bill by legislative complication.

In my opinion, if the committee amendment which strikes out that requirement is adopted, we would be killing this bill by indirection, because if the amendment is adopted, this resolution will have to go back to the Senate, and if by chance the Senate should adjourn over until Monday, the Emergency Transportation Act of 1933 would die automatically on Sunday, June 16. The other contingency is if by chance this amendment should be adopted, and if by chance the Senate should concur in the amendment, this would mean a request would come before this House for an appropriation of \$500,000. It would no doubt be difficult to secure action on such an appropriation, and without the appropriation the act would be ineffective.

Mr. REECE. Will the gentleman yield?

Mr. WITHROW. I yield to the gentleman from Tennessee.

Mr. REECE. At one time there was made available \$350,000 out of the P. W. A. fund for the administering of this act. Since the authority was contained in the original act for an expenditure out of the general revenues, an allotment of whatever amount might be necessary could be made for this purpose.

Mr. WITHROW. If we adopt this amendment, we will be led into a lot of difficulties. There are certain Members of this House who want to defeat the Emergency Transportation Act of 1933, and they cannot do it directly, so they are trying to do it indirectly.

Mr. Chairman, the Government and the railroad employees have been very kind to the railroads. Whenever the railroad companies have gone before the Interstate Commerce Commission for a revised rate structure the Commission has always been very sympathetic. Whenever the railroad companies have come to any of the Government financial agencies and asked for loans the Government has given them the money.

On the other hand, the employees have always been fair with the railroad companies. In 1932 the railroad employees throughout the United States voluntarily took a 10-percent cut in their wages. In addition to that, the contracts between the employees and the employers were liberalized.

The result of these concessions made by employees has been that they have suffered a reduction in income of at least 24 percent as compared with earnings of 1929. Figures prepared by the Federal Coordinator of Transportation show that 20 percent of all railroad employees in 1933 received less than \$600 per year. More than 50 percent received less than \$1,200 per year, and 80 percent received less than \$1,800. I quote these figures to show that the co-operation of employees in accepting wage reductions has been at a real and personal sacrifice to the employees.

The railroad companies can well afford to pay the small amount of money which the unamended resolution would assess upon them. If the Emergency Transportation Act is permitted to expire, the result would probably be a ruthless series of consolidations without regard to the interests or welfare of the railroad employees, the public, or railroad stockholders.



It has long been apparent that the railroad executives, if left to their own devices, will complete the ruin of our transportation systems because of their short-sighted policies. It is of utmost importance that they be prevented from further contributing to the economic destruction of the entire country as well.

The railroad executives of today, instead of being operating officials and instead of going out and getting business as they should, have become "wizards" in financing and re-financing. That has become their specialty, at the expense of the employees, their stockholders, and at the expense of the general public.

[Here the gavel fell.]

Mr. MAPES. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. GRISWOLD. Will the gentleman yield?

Mr. WITHROW. I yield to the gentleman from Indiana.

Mr. GRISWOLD. Does the gentleman know that today under the P. W. A. the Government holds actual title to over \$1,000,000,000 worth of railroad rolling stock and equipment?

Mr. WITHROW. Yes.

Mr. GRISWOLD. And that under the R. F. C. they hold title to \$285,000,000 worth of rolling stock and equipment that has been sold to the railroads on trust notes?

Mr. WITHROW. I do.

Mr. Chairman, I agree that there are some consolidations which should be made. I agree that there are some diversions of traffic which should be permitted. But those consolidations and diversions should be made only after a careful, impartial study of the transportation situation, which has not been completed as yet.

Now, if we do fail to pass this Emergency Transportation Act and allow the railroad managements to consolidate as they please, to divert traffic as they please, the result will be nothing short of chaos.

No unreasonable demand is made on railroad companies by this resolution as passed by the Senate. Any amendment will greatly complicate this matter and may perhaps delay action to such an extent as to permit the present act to expire.

In the interest of railroad employees, railroad stockholders, and the public in general I urge that all amendments be defeated and that this resolution be passed intact in the form in which it has been adopted by the Senate. [Applause.]

[Here the gavel fell.]

Mr. MONAGHAN. Mr. Chairman, I yield to the gentleman from New York [Mr. BEITER] such time as he may desire to use.

Mr. BEITER. Mr. Chairman, I am glad of this opportunity to recommend the passage of legislation which will continue the operations of the Emergency Railroad Transportation Act after June 16. After 2 years of operation, during which period many steps have been taken to improve conditions surrounding transportation, it is apparent that some form of authority is needed whereby carriers and their subsidiaries will be encouraged to promote action for more economical transportation service and prepare plans for joint use of terminal facilities and prevent unnecessary duplication of services.

The activities of the Federal Coordinator of Transportation along these lines, together with his regional coordinating committees, has contributed materially to the development and advancement of railroad transportation. Plans for consolidation and regulation, subject to review by the Interstate Commerce Commission, are being made and various surveys undertaken which will result in needed changes in existing conditions applicable to transportation agencies.

Labor conditions under the Transportation Act are more as they should be with respect to the relations existing between employer and employee and a further harmony may be expected if recommendations now in the process of being promulgated are carried out.

The members of the Committee on Interstate and Foreign Commerce have proposed an amendment to the bill now pending which would eliminate section 2 providing for an assessment against each carrier of \$2 for every mile of road operated by said carrier. I believe this provision of

the bill is of vital importance and necessary to its proper execution and advocate that the reported amendment be rejected by the House.

If the railroad industry were not in dire financial straits due to various causes extension of the Emergency Transportation Act would in all probability not be in order at this time. Obviously, the situation which confronts the railroads, and incidentally some hundreds of thousands of employees, is one that requires continued support.

Mr. MONAGHAN. Mr. Chairman, I yield 4 minutes to the gentleman from Ohio [Mr. HARLAN].

Mr. HARLAN. Mr. Chairman, it seems to me there is just one question on the adoption or rejection of the committee amendment, and that is this: Is the Coordinator performing a governmental function? It is not a question of whether the railroads are being benefited. The fact of the matter is the railroads are being benefited, although they have not asked for this bill. Railroad labor is being benefited, the people who patronize the railroads are being, and, ultimately, the taxpayer is being benefited through the functions of this Coordinator. If they are not, we ought to do away with it.

If we are passing a law for the private benefit of the carriers as such, we are not performing a proper act for the Congress of the United States.

Mr. COLDEN. Mr. Chairman, will the gentleman yield?

Mr. HARLAN. I am sorry, but I cannot yield in the brief time I have.

The Radio Commission does not especially benefit the radio companies. It benefits the public. Our Federal Trade Commission does the same thing for the public, and we do not ask the radio companies to bear the expense and we do not ask the people engaged in interstate commerce to bear the expense of the Federal Trade Commission, nor do we ask private activity to pay for purely governmental activity, the merchant marine, for example.

We are performing a necessary governmental function for the benefit of the people, for the benefit of the employees, and for the benefit of all of us, and it is an unheard-of precedent to put this burden on the railroads. I think the railroads can beat this if they want to go into court and try it out, but they do not want to do that, or, at least, they have not expressed any desire to do so.

I take second place to no man on this floor in being interested in railroad labor. I want to see the employees of the railroads taken care of, but you cannot do this by weakening the railroads that are now down on their knees. The railroads have borrowed \$500,000,000 from the United States Government. They are in default to the extent of about \$50,000,000 in their payments. In a short time we are going to have the railroads in our lap, whether we want them or not, unless they are able to come back, and we cannot bring the railroads back to benefit railroad labor, to benefit the people who patronize the railroads, to benefit the taxpayers who are going to have to pay whatever the railroads cannot repay on their loans, unless we give them a breathing spell, and this is an opportunity to do that very thing.

Mr. FORD of California. Mr. Chairman, will the gentleman yield?

Mr. HARLAN. I am sorry; I wish I could yield, but in the time I have, it is impossible.

I am not disturbed by the gentleman from Wisconsin [Mr. WITHROW]. If this goes to the Senate and they should decide to put it over, a hiatus of a couple of days, I do not think, is going to wreck anything. I do not think Mr. Eastman is going to resign and I do not believe his employees are going to be discharged all at once. I do not believe we are going to have any national strike in a couple of days. It will not make a great deal of difference.

Mr. Chairman, the question before this House is whether or not we want this bill to function as a Government proposition or whether we want to call upon a group of our people and compel them to carry the expense of Government. This is all there is to it. There is no precedent for any such action, and in the final analysis, we are going to injure railroad labor by reducing the fund that the railroads may be



able to use in taking care of their employees as we want them to be taken care of.

If this is a bill for the sole benefit of the railroads, Congress ought not to pass it; if it is for the benefit of the public, the railroads ought not be compelled to pay the cost.

[Here the gavel fell.]

Mr. MAPES. Mr. Chairman, I yield 3 minutes to my colleague, the gentleman from Michigan [Mr. CRAWFORD].

Mr. CRAWFORD. Mr. Chairman, I understand the Coordinator of Transportation has not been able to bring his work to completion. I have been watching it with a great deal of interest. I think he has established a valuable service, and I hope the work will continue, and that section 2 will be left in the bill.

It is my understanding the Coordinator of Transportation cannot enforce his orders as the Interstate Commerce Commission can enforce its orders or as the Radio Commission can enforce its orders. Perhaps I am mistaken, but I think I am correct. If I am correct in this, there is a vast difference between the Coordinator's powers and those of the Interstate Commerce Commission and the Radio Commission. Primarily, the Coordinator is serving the railroads and their investors at this time. His orders are subject to review by the Interstate Commerce Commission.

The Coordinator has made many recommendations to date which the railroads for some reason have not carried out. Many of the orders are of a very sweeping character, cannot be put into operation immediately, and necessarily involve far-reaching changes of the greatest moment. Many of them involve the highest policy and require time to be made effective. If the railroads will carry out many of the recommendations made by the Coordinator and change the nature of the equipment in use, modernize repair shops, speed up time consumed in transit, give terminal service which the shipping public demands and must have, arrange for pool carload shipments, provide interchangeable equipment, establish a modern rate classification and correct freight and passenger rates more in keeping with the demands of the day, then much tonnage in the form of both freight and passengers will be recovered from trucks, touring cars and even airplanes. This will create more jobs for railway workers, enable roads to earn greater returns for those who have money invested in railway securities, make the financing of rail transportation more practicable and rail securities more acceptable to the investing public, and thus preserve rail transportation. In the absence of this, other modes of transportation will take more and more tonnage away from railroads and finally lead to a genuine collapse of the whole railroad capital and road structure of the Nation.

Railroad-management foresight did not function quickly enough to meet changing conditions. No transportation service can succeed unless it meets the requirements of the shipping or traveling public. That is paramount. The surge of man in his progress upward and outward has never and will never be bound by a lagging transportation. The situation is not at all impossible for the railroads and their management. If the management fails in its initiative and operating efficiency, the employees of the roads and the shipping public are the ones who suffer. We must have railway service for the long hauls, and just as surely we must and will have trucks for the short hauls. One service is as important as the other. Tourists will not travel in automobiles to such a great extent if the railroads, through their management, will meet the service and rate requirements of the traveling public. Travel by rail is much safer than by automobile. From this great reservoir of traffic the railroads can recover much gross and net revenue. Faster trains, more comfortable equipment, and lower rates will without question prove very beneficial to railway management, the traveling public, railroad employees, and the investing public.

Railway management cannot do these things with the present equipment. They need many improvements, as the Coordinator has pointed out. I think the Coordinator has given us a most valuable piece of work. Furthermore, I think the work of the Coordinator has already been of direct benefit,

in large measure, to the railroads, and therefore they should pay the \$2 per mile to help continue this work. When the Coordinator takes on the powers of a commission, which we hope he will not have to do, then it will be more appropriate for his expenses to be provided for out of the general funds of the Federal Government, for then he will in whole be serving the entire transportation system of the Nation. We cannot permit a situation to be further aggravated or to become more complicated which will further result in more railway employees being thrown out of employment, or which will continue a public sentiment which permits more and more penalties being imposed against the salaries and wages of those employees, and all in the name of greater operating economy. Tonnage must be recovered, service must be given that will induce shippers to use the rails, and through this method the jobs of the railway employees maintained. If this all requires new and modern equipment in the form of rolling stock, machine shops, new rate structures, revised and modernized classifications, consolidations, pooling agreements, new laws which will permit such coordination of operations, and other changes, then let us proceed to get the facts and then make the necessary changes.

Mr. MAPES. Mr. Chairman, I yield the balance of my time to the gentleman from Minnesota [Mr. MAAS].

Mr. MAAS. Mr. Chairman, I am vitally interested in seeing this act extended. I think it is a most essential thing at this time. The Coordinator has been making a most valuable contribution of the transportation problem by studies he has instituted, with the assistance and cooperation of various committees of the railroads themselves on a voluntary basis, and with the aid of the State commissions in many cases. The benefits that would be derived by the general public, the shippers, and ultimately to the consumer, in the cost of articles that have to be shipped will so far exceed the cost involved that it becomes negligible.

Section 2 on the face of it looks unnecessary. It looks as if it is simply an assessment against the railroads in order to provide a lot of political jobs. As a matter of fact, this research must be continued, probably in a less degree than it has been in the past, but they will spend only so much as is necessary, and the balance will revert so that it is not unfair at all. The railroads are great beneficiaries of this research and there must be money to carry on the work. If the act is permitted to die by inaction on the part of the Congress we are very likely to face chaos in the railroad situation. The Coordinator, pursuant to this act, has recommended many pieces of legislation, which, taken as a whole, will give a complete reorganization of the transportation system.

The Congress has not had an opportunity to properly consider and act upon these legislative proposals and until that is done the office and functions of the Coordinator must be continued to preserve stability and order in the transportation field.

A great many employees are directly concerned. Conditions of employment are still critical. The failure to extend this act will very likely result in as many as 100,000 and perhaps more railroad employees being thrown out of work. They represent a highly specialized trade and profession and it is not easy to reabsorb such large numbers back into gainful employment in other fields.

Certainly the Coordinator's office should be continued pending permanent remedial legislation and nothing done that would permit more than the present allowed reduction in employment in the railroads.

I represent a very important railroad center, St. Paul, Minn., and I am familiar with the gravity of the situation. I earnestly plead that the House pass this very important resolution.

Mr. RAYBURN. Mr. Chairman, I yield the remainder of my time to the gentleman from Ohio [Mr. CROSSER].

Mr. CROSSER of Ohio. Mr. Chairman, there are many reasons why we should continue the Emergency Transportation Act for another year. Much work has been done by the Coordinator under the terms of the original Transportation Act. Many recommendations have been made. There is



still much work to be done by the Coordinator before he shall have completed his task. We need all the assistance possible to bring about proper coordination in the railroad industry.

The terms of the Emergency Transportation Act have enabled the coordinator to harmonize the activities of the railroads to a remarkable degree. It is therefore unnecessary to argue to any extent for the continuance of the Emergency Transportation Act for 1 year.

The important question is whether or not we should adopt the committee amendment striking out section 2 of the Senate bill. I reintroduced my bill so as to make it correspond with the Senate wording of the bill because we were so near the time when the Emergency Transportation Act itself would expire that I wanted to make sure of the passage of the bill as it passed the Senate and enable the House to pass the bill, send it to the President for approval, and so assure the continuance of the act for another year. Having done that, the question is whether or not we shall adopt the committee amendment and send the bill back to the Senate.

Under the Transportation Act the railroads have heretofore paid \$2 per mile toward defraying the expense of the Coordinator's office.

The gentleman from Ohio [Mr. HARLAN] has undertaken to tell you that the Coordinator's office is of no benefit to the railroads of the country. I say that it benefits the railroads very much. Every aid to a proper coordination of the railroads, every provision for sound economy helps to increase the profits of the railroads. They should be the last to complain about this small \$2-a-mile assessment for the upkeep of the Coordinator's office.

Mr. COLDEN. The report states:

Studies made by the Coordinator and his staff reveal large savings as possible to be realized by the railroads should their recommendations be adopted.

Mr. CROSSER of Ohio. That is entirely correct.

Mr. HARLAN. Mr. Chairman, will the gentleman yield?

Mr. CROSSER of Ohio. Yes.

Mr. HARLAN. Is it not peculiar that the railroads should appear and even oppose this measure, and they never asked for it, if they are being benefited?

Mr. CROSSER of Ohio. The railroads are not all opposed to it.

Mr. HARLAN. I merely have the statement of the chairman of the committee.

Mr. CROSSER of Ohio. The official representative of the short lines of the country came before our committee and advocated passage of the bill.

Mr. HARLAN. The chairman said that.

Mr. TERRY. At a committee hearing held on this bill the president of the railroad association appeared and opposed the extension, the gentleman will remember.

Mr. CROSSER of Ohio. That is correct.

Mr. TERRY. I will ask the gentleman whether he specifically opposed this contribution?

Mr. CROSSER of Ohio. He made no reference to it. I do not think there was any reference made by any railroad officials to the method of paying for the upkeep of the Coordinator's office at all.

Mr. ENGLEBRIGHT. Will the gentleman yield?

Mr. CROSSER of Ohio. I yield.

Mr. ENGLEBRIGHT. If two or more railroads petitioned the Interstate Commerce Commission to consolidate, would the employees, under section 7 (b) of the Emergency Railroad Transportation Act, be protected who might be displaced through the consolidation?

Mr. CROSSER of Ohio. If this law were not continued, they would not be protected.

Mr. ENGLEBRIGHT. In the gentleman's opinion, they would be protected?

Mr. CROSSER of Ohio. They would not be protected if the act is not extended.

Mr. REECE. Will the gentleman yield?

Mr. CROSSER of Ohio. I yield.

Mr. REECE. Does the gentleman feel that there is any constitutional authority for requiring the railroads to make this contribution?

Mr. CROSSER of Ohio. Oh, I think that a good argument can be made to establish such authority. Of course, lawyers could argue both ways.

Now, Mr. Chairman, the more important consideration is as to the possible effect that failure to enact this measure will have on the railway workers of the United States. Everybody knows that one of the great problems that has confronted the Government is reemployment. The failure to pass this bill would result in many persons losing their jobs. When this bill was passed 2 years ago a great deal of difficulty was experienced in arriving at some arrangement that would prevent the wholesale discharge of employees as a result of some of the changes that might be made under the plea of economy. It was finally agreed that the number of men in the employment of the railroads in May 1933 should not be reduced. The only exception made was that the places occupied by those who might retire, those who might die, and those who might resign, might be left vacant. That could amount to 50,000 a year. Therefore under the act as it stands, the railroads may reduce their total employment by 50,000. What would they do if there were no limitation? What would they do if this Emergency Transportation Act should be not continued in force for another year? No one knows. The president of the railway association was asked the question by the gentleman from Montana as to what their purpose would be with regard to laying off these men. He said they would not be disposed to continue them in service if they did not need them. The plain implication was that they were to be thrown out into the cold.

Mr. CONNERY. Will the gentleman yield?

Mr. CROSSER of Ohio. I yield.

Mr. CONNERY. The gentleman considers it is vital to the employees of the railroads to have the Coordinator continued in this position?

Mr. CROSSER of Ohio. I say no one can tell the number of men who will be thrown out of employment if this act is not continued for another year. I do not believe that the American people would approve anything of that kind. We must think in a broader way today. We must realize more fully the unity of creation, the brotherhood of man. If we ruthlessly disregard the rights and welfare of those who have woven their very lives into the railroad systems of the country, the consequences will be such as to cause some of those who sneeringly suggest such a course to whine and howl most loudly. Make no mistake, we cannot disregard the welfare of any number of our people without harming the whole of society. The principles of justice require the greatest consideration for every member of society. Justice is the constant aim of democracy and when we analyze it we see clearly that democracy is brotherhood. A clear understanding of the meaning "brotherhood" will enable us to realize that, in order to have civilization at all, each man must regard the welfare of all others as his own welfare. We must demonstrate the futility of dependence on tooth and claw for existence. We must abandon the abominable doctrine, "Everybody for himself and devil take the hindmost." Edwin Markham states the principle beautifully in the following lines:

The crest and crowning of all good,  
Life's final star, is Brotherhood;  
For it will bring again to Earth  
Her long-lost Poesy and Mirth;  
Will send new light on every face,  
A kingly power upon the race.  
And till it come, we men are slaves,  
And travel downward to the dust of graves.

Come, clear the way, then, clear the way;  
Blind creeds and kings have had their day,  
Break the dead branches from the path;  
Our hope is in the aftermath—  
Our hope is in heroic men,  
Star-led to build the world again.  
To this Event the ages ran.  
Make way for Brotherhood—make way for Man.

Mr. Chairman, let us vote down this amendment and pass the bill just as it passed the Senate. [Applause.]

Mr. Chairman, to the railroad workers of the United States the railroad retirement legislation is of the very greatest importance. As we all know, men employed in the railroad industry make of their work their life's business. They give

their best efforts to the service and manifest a pride in their vocation that is not in evidence in some other fields of human endeavor. Many of them enter the service when they are mere youths and go on through their lives in the railway service, unless some unfortunate mishap prevents them from doing so. As is always the case when men take pride in their work and devote themselves enthusiastically to the same, a high order of ability is developed by them. Railroad workers therefore establish themselves in the community in such a favorable light that they command the respect of all who come in contact with them. They are influential in the social life of the community in which they live, and they always take a public-spirited interest in political matters and accordingly exert a corresponding influence in politics.

It is highly proper, therefore, that the Congress of the United States should give its most earnest consideration to legislation calculated to promote the welfare of the railroad workers of the United States; not only because it is the right thing to do from the standpoint of the men themselves, but also because of the important service these men render to the country as a whole. Transportation is one of the most essential factors in the development of commerce. The railroad systems of the United States are the greatest in the world. Their efficient operation depends to a very large extent indeed on the intelligence and fidelity of the railway employees themselves. It is very important, therefore, that the Congress of the United States consider legislation relating to the railroad workers, not only with full understanding, but with a sense of appreciation of the value of these men to the country as a whole. Railroad men are thoroughly attentive to their duties and as a matter of necessity, of course, must be and are almost universally punctual. It is a work which will not permit of any disregard of time in the most exact sense of the word. The welfare of the whole American people depends upon the promptness and thoroughness with which they do their work.

It is with pleasure, therefore, that I have twice sponsored legislation providing for the retirement of the railroad workers of the United States when they shall have reached a reasonable age. It is felt by those who have studied the subject long and carefully that it would be to the best interests of all concerned to have railroad workers retire at age of 65. This not only gives assurance that employees entrusted with the care of both life and property are in the very best of physical condition in the prime of life, and therefore fit to do their work to the best possible advantage, but it also gives an opportunity to faithful servants to spend the evening of their lives free from the strain of their work and also free from the worry about finding means to earn a livelihood during the closing days of their lives. The railroad retirement legislation will make it possible for every railway worker who shall have been in the service 30 years to retire with the assurance that he will never suffer distress from want in his old age. Such legislation will not only enable the men who have spent their lives in the employment of railroads to retire free from worry and enjoy the closing years of their lives without undue exertion, but at the same time it will make way for the younger men of America to satisfy their ambition to make the railroad service their life's work. In a word, not only will the retirement legislation assure the aged employees of the United States a measure of justice, happiness, and contentment in the sunset of life, but it will do much to abolish unemployment in the industry. With the establishment of this measure of justice for the railroad workers of the United States, we shall have established a precedent which other industries may follow. With such progress toward a more just economic system, I can see in the not distant future at least a partial realization of the dream which Robert Burns expressed in the closing stanza of his famous poem entitled "A Man's a Man for a' That", as follows:

Then let us pray that come it may,  
As come it will for a' that,  
That sense and worth, o'er a' the earth,  
May bear the gree, and a' that,  
For a' that, and a' that,  
It's coming yet, for a' that,  
That man to man, the world o'er,  
Shall brothers be for a' that!

The Clerk read as follows:

*Resolved, etc.,* That title I of the Emergency Railroad Transportation Act, 1933, shall continue in full force and effect until June 17, 1936, but orders of the Coordinator or of the Commission made thereunder shall continue in effect until vacated by the Commission or set aside by other lawful authority, but notwithstanding the provisions of section 10, no such order shall operate to relieve any carrier from the effect of any State law or of any order of a State commission enacted or made after this title ceases to have effect.

Sec. 2. That it shall be the duty of each carrier to pay into the fund provided for by section 14 of the Emergency Railroad Transportation Act, 1933, within 20 days after June 16, 1935, \$2 for every mile of road operated by it on December 31, 1934, as reported to the Commission, and it shall be the duty of the Secretary of the Treasury to collect such assessments.

With the following committee amendment:

Beginning in line 1, on page 2, strike out all of section 2.

Mr. CROSSER of Ohio. Mr. Chairman, I ask the House to vote down this amendment. This is the amendment I was discussing a moment ago.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was rejected.

The CHAIRMAN. Under the resolution the Committee will rise.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. LEWIS of Colorado, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration House Joint Resolution 319, pursuant to House Resolution 258, he reported the same to the House.

The SPEAKER. Under the rule the previous question is ordered.

Mr. RAYBURN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RAYBURN. Inasmuch as both the Senate and the House bills are the same, when would it be in order to ask unanimous consent to substitute the Senate bill for the House bill?

The SPEAKER. The gentleman may do so now if he wishes.

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate Joint Resolution 112, extending the effective period of the Emergency Railroad Transportation Act of 1933, and substitute the Senate joint resolution for the House joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House resolution (H. J. Res. 319) was laid on the table.

#### EXTENSION OF NUISANCE TAXES

Mr. COOPER of Tennessee, from the Committee on Ways and Means, submitted a privileged report (Rept. No. 1227) to accompany House Joint Resolution 324, which was referred to the House Calendar and ordered printed.

#### EXTENSION OF THE NATIONAL INDUSTRIAL RECOVERY ACT

Mr. SCHNEIDER. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record.

The SPEAKER. Is there objection?

There was no objection.

Mr. SCHNEIDER. Mr. Speaker, since early in the session I have taken the position that any revision or extension of the National Industrial Recovery Act should provide for retention of its good features and elimination of the abuses. I believe that the social progress made through establishment of better relationships between capital and labor, elimination of child labor, and increased wages and purchasing power should be preserved. Similarly, the abuses which have become evident must be eliminated so far as possible to do so by legislative action.

The unfavorable Supreme Court decision set rather definite limits on legislation for continuation of the N. R. A., and the only proposal which has come before the House up to the present time is the stop-gap proposal, Senate Joint



Resolution 113, continuing some of the present organization for the purpose of research and collection of information relative to industrial activity and trade practices.

This resolution provides also for continuation of the authority to make voluntary trade agreements and in its original form allowed business organizations making such codes or agreements to be exempted from the antitrust laws. I am firmly convinced that much of the dissatisfaction with the operation of the N. R. A. was due to the action of large business groups in taking advantage of the apparent legislative intent to waive the antitrust laws in the original act. Under the protection of the act, big business did not hesitate to impose its will upon the smaller independent concerns and individuals in business and there was no firm administrative action to prevent these abuses.

The Progressive group in the House attempted to make sure that monopolies and trusts would not make further raids upon legitimate independent business and would not gouge the consumer by unreasonable price-fixing practices. Under the terms of the amendment introduced by the gentleman from Texas [Mr. MAVERICK] we attempted to specifically repeal the section waiving the antitrust laws. Upon the refusal of a majority of the committee to adopt this amendment, I could not vote for continuation of the N. R. A., even in skeleton form, so long as its real enforcing powers were eliminated, and special privileges to monopolies might be granted without the safeguard of the antitrust laws to protect the great mass of our people.

When the resolution was returned to the Senate for further action, the liberal forces there forced favorable action on the Borah amendment, under which suspension of the antitrust laws is limited to those voluntary agreements and action thereunder which put into effect the requirements of section 7 (a), including minimum wages, maximum hours, and prohibition of child labor; and which prohibits unfair competitive practices which do not offend against existing laws, including the antitrust laws.

Mr. Speaker, this amendment, like the proposal we advanced in the House, prevents business combines from obtaining exemption from the antitrust laws through voluntary codes and agreements which they may draw up if they desire. In view of the fact that the Senate amendment is now a part of the resolution, I can now support the resolution for extension of the National Industrial Recovery Act. I believe, however, that this legislation must be further strengthened by passage of the Wagner-Connery labor-disputes bill, without which labor is now wholly unprotected by governmental collective-bargaining guaranties, and by further action to correct fundamental maladjustments in our economic system.

#### AGRICULTURAL ADJUSTMENT ACT

Mr. JONES. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture may have until midnight tomorrow night to file a report on the A. A. A. amendment.

Mr. O'CONNOR. Mr. Speaker, reserving the right to object, could not the gentleman submit the report by midnight tonight?

Mr. JONES. I do not see how it can be done.

Mr. O'CONNOR. We want to take it up tomorrow if possible.

Mr. JONES. The committee just ordered the bill reported, so it was filed only today.

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, is it the gentleman's purpose to call up the bill tomorrow?

The SPEAKER. The Chair will state to the gentleman that the House will be in session tomorrow.

Mr. JONES. Mr. Speaker, answering the gentleman, the first intimation of that nature I had was just a moment ago. I had not planned to do it. I do not know what plans may develop in the House. We are going to have great difficulty in getting our report ready by midnight tonight.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. KELLER. Mr. Speaker, I ask unanimous consent that on next Monday after the reading of the Journal and the completion of business on the Speaker's desk I may address the House for 15 minutes to answer an attack upon an amendment I proposed to the Constitution made in the Washington Times of June 12 by Mr. James P. Williams, Jr.

The SPEAKER. Under the custom that prevails and the action of the Chair heretofore, the Chair cannot recognize the gentleman today to make a speech on Monday. The Chair hopes the gentleman will defer his request.

REAR ADMIRAL YATES STIRLING, JR.

Mr. VINSON of Georgia, Chairman of the Committee on Naval Affairs, submitted an adverse report (Rept. No. 1228) on the resolution (H. Res. 247) directing the Secretary of the Navy to transmit to the House of Representatives information concerning the activities of Rear Admiral Yates Stirling, Jr., United States Navy.

Mr. VINSON of Georgia. Mr. Speaker, I ask unanimous consent that the adverse report of the committee may be read.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The Clerk read the adverse report, as follows:

[H. Rept. No. 1228, 74th Cong., 1st sess.]

DIRECTING THE SECRETARY OF THE NAVY TO TRANSMIT TO THE HOUSE OF REPRESENTATIVES, AT THE EARLIEST PRACTICABLE MOMENT, CERTAIN INFORMATION

Mr. VINSON of Georgia, from the Committee on Naval Affairs, submitted the adverse report (to accompany H. Res. 247):

The Committee on Naval Affairs, to whom was referred the resolution (H. Res. 247) that the Secretary of the Navy is hereby directed to transmit to the House of Representatives, at the earliest practicable moment, certain information pertaining to a newspaper article by Rear Admiral Yates Stirling, Jr., having had the same under consideration, report it back to the House and recommend that the resolution do not pass.

The action of the committee is based upon the following letter to the chairman of the committee from the Secretary of the Navy:

DEPARTMENT OF THE NAVY,  
OFFICE OF THE SECRETARY,  
Washington, June 13, 1935.

MY DEAR MR. CHAIRMAN: A copy of House Resolution 247 was brought to my office by Commander Bogart with the request that the Secretary of the Navy make recommendation in regard thereto.

The Secretary of the Navy is very glad to give the information requested in the first two questions of the resolution, and no information is necessary to obtain this information. The answers are as follows:

First. The newspaper article by Rear Admiral Yates Stirling, Jr., appearing in the Washington Herald, Sunday, June 9, 1935, was not authorized by the Secretary or by anyone delegated by him.

It is not necessary for a naval officer to obtain advance authority to publish an article.

For the information of your committee, I quote herewith article 113 of the Navy Regulations, bearing on this subject:

"(1) No person belonging to the Navy or employed under the Navy Department shall convey or disclose by oral or written communications, publications, or any other means, except as may be required by his official duties, any information whatever concerning the Naval or Military Establishment or forces, or any person, thing, plan, or measure pertaining thereto, when such information might be of possible assistance to a power in time of peace or to an enemy in time of war; or, except by proper naval authority, any information contained in the official records of the Government or otherwise acquired which, for reasons of public policy, should not be disclosed to persons not of the Naval or Military Establishments.

"(2) Officers and other persons in the naval service desiring to publish articles on professional, political, or international subjects shall cause their signature to appear, together with a statement to the effect that the opinion or assertions contained therein are the private ones of the writer and are not to be construed as official or reflecting the views of the Navy Department or the naval service at large. Immediately upon acceptance of such articles for publication, the writer will forward a complete copy thereof to the Secretary of the Navy for the files of the Navy Department."

Subject to the requirements of this and of paragraph (1) above, officers and others in the naval service are at liberty to publish articles without further permission from higher authority.

"(3) No person belonging to the Navy or employed under the Navy Department shall, other than in the discharge of his official duties, disclose any information whatever, whether confidential or nonconfidential, or whether obtained from official records or within the knowledge of the relator, which might be of aid or assistance in the prosecution or support of any claim against the United States. (See act of Mar. 4, 1909, sec. 109.)"

Second. Rear Admiral Yates Stirling, Jr., did not ask for nor did he receive the consent of any of his superior officers or the Secretary of the Navy to publish said article.

It should be stated here that it is not necessary for a naval officer to ask for and receive the consent of anyone before publishing an article.

The above quoted article 113 of the Navy Regulations gives you the entire information on the subject of publication of articles.

Third. Rear Admiral Stirling has been communicated with by telephone and has replied as follows:

A. "In writing similar articles for Hearst newspapers the usual compensation has been \$150. I expect that compensation for the article of June 9 will be the same. Check has not yet been received for this article. Such total payment as I may receive will be from the King Features Syndicate, Inc. No payment will be received from any other source."

If, in view of the above, it is the sense of your committee this resolution should be favorably reported, the Secretary of the Navy interposes no objection.

Sincerely yours,

CLAUDE A. SWANSON.

THE CHAIRMAN, COMMITTEE ON NAVAL AFFAIRS,  
House of Representatives, Washington, D. C.

Mr. VINSON of Georgia. Mr. Speaker, the letter from the Secretary of the Navy furnishes all the information requested in the resolution introduced by the gentleman from New York [Mr. MARCANTONIO].

Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. MARCANTONIO].

Mr. MARCANTONIO. Mr. Speaker, I have no quarrel at all with the action of the Committee on Naval Affairs; in fact, I want to take this opportunity to thank the committee for having obtained the information I requested.

However, I cannot let the letter from the Navy Department go by without making a criticism which I think it justly deserves. The article to which the Navy Department has referred is article 113 of the Navy Regulations. This article specifically states:

Officers and other persons in the naval service desiring to publish articles on professional, political, or international subjects shall cause their signature to appear, together with a statement to the effect that the opinion or assertions contained therein are the private ones of the writer and not to be construed as official or reflecting the views of the Navy Department or the Navy service at large.

I have here a copy of the newspaper article which is specified in my resolution of inquiry, and we find right underneath the title the statement:

By Rear Admiral Yates Stirling, Jr., commandant Brooklyn Navy Yard, formerly commander United States naval base, Pearl Harbor, Hawaii.

But not a single word to the effect that his statement was not to be construed as the official statement of the Navy Department, as required by Navy Regulation 113.

I submit that when this article was published in this form the admiral violated the Navy Regulation 113, to which the Department refers in its letter. Not a single word, however, in the Department letter to the effect that Admiral Stirling violated this regulation when he omitted the statement that his article did not reflect the views of the Navy Department.

While the article in and of itself at this time may not be important, and while the fact he received \$150 may be perfectly legal and in order, nevertheless the Navy Department should not permit admirals of the United States to violate the regulations and go around making "jingoistic" statements advocating war with a friendly nation, a nation which we have recognized. I think the Navy Department should take action and discipline this admiral, otherwise we shall have set a vicious precedent. If it had been an enlisted man who had violated the regulations, he would have been disciplined, but in this case he happens to be a stuffed shirt, pompous, "jingoistic" admiral, who is trying to get the United States into a war by his statements. Hence, no disciplinary action. I submit, Mr. Chairman, it is high time that the Navy Department take disciplinary action against these "jingoistic" admirals. [Applause.]

Mr. VINSON of Georgia. Will the gentleman yield?

Mr. MARCANTONIO. I yield to the gentleman from Georgia.

Mr. VINSON of Georgia. The letter from the Secretary gives the Congress all the information called for in the gentleman's resolution.

Mr. MARCANTONIO. Yes. I have no quarrel with that.

Mr. VINSON of Georgia. The gentleman has no apprehension that the Navy Department will not require the admirals as well as enlisted men to live up to its rules and regulations?

Mr. MARCANTONIO. They have to show me.

Mr. VINSON of Georgia. Well, suppose we cross that bridge when we come to it.

Mr. MARCANTONIO. I am going to cross that bridge when I come to it, and the date is on Monday, because I am going to call on the Navy Department and see whether or not they have taken any disciplinary action in this matter.

Mr. VINSON of Georgia. Mr. Speaker, in view of the fact that all of the information sought in the resolution has been furnished, I move to lay the resolution on the table.

The SPEAKER. The question is on the motion of the gentleman from Georgia [Mr. VINSON] to lay the resolution on the table.

The motion was agreed to.

#### PERMISSION TO ADDRESS THE HOUSE

Mr. RICH. Mr. Speaker, I ask unanimous consent to proceed for 5 minutes.

Mr. JONES. Will the gentleman withhold his request for just a moment?

Mr. RICH. I withhold by request.

#### ORDER OF BUSINESS

Mr. JONES. Mr. Speaker, I ask unanimous consent that the business that would be in order on next Monday may be in order tomorrow.

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, I am perfectly willing to have the bills on the Consent Calendar come up for consideration tomorrow, but I believe we ought to have an understanding as to whether there will be suspensions or not.

Mr. JONES. I cannot tell the gentleman. I take it my request would carry with it all suspensions that may be in order on Monday. I do not know what the plans are at this time.

Mr. MARTIN of Massachusetts. Can the Speaker give us any information on that matter?

The SPEAKER. The Chair may say to the gentleman that there will be at least one suspension offered tomorrow.

Is there objection to the request of the gentleman from Texas?

Mr. TRUAX. Mr. Speaker, reserving the right to object to make a parliamentary inquiry. Is the House going to consider the Private Calendar today?

The SPEAKER. The Private Calendar will be called just as soon as the House is ready to have it called.

Mr. TRUAX. May I ask the gentleman from Texas a question? What is the purpose in asking for the consideration of bills on the Consent Calendar tomorrow?

Mr. JONES. It is hoped that we may be able to bring before the House the A. A. A. amendments for consideration on Monday. If we started on them tomorrow we could not finish in any event.

Mr. TRUAX. Will the A. A. A. amendments be before the House on Monday?

Mr. JONES. The Committee expects to report them to the House at that time.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. The gentleman from Pennsylvania [Mr. RICH] asks unanimous consent to proceed for 5 minutes. Is there objection?

Mr. PARSONS. Mr. Speaker, reserving the right to object, may I ask the gentleman upon what subject he desires to talk?

Mr. RICH. I desire to say a few things in reference to printing in the RECORD certain items by the Joint Committee on Printing. I told the Joint Committee on Printing I would mention the matter before the House.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?



Mr. McFARLANE. Mr. Speaker, reserving the right to object, and I shall not object, I give notice now that it is now past 3 o'clock and we have been waiting here all afternoon to get to the Private Calendar. I shall therefore object to any further requests along this line.

Mr. TRUAX. Mr. Speaker, reserving the right to object, I have no objection to the gentleman extending in the RECORD all of the data and material which he has prepared, but I think it is an injustice to ask us to wait until later in the afternoon before we take up consideration of the bills on the Private Calendar in which many Members are interested. We have been here prepared for 2 days, and it is now nearly a quarter after 3.

Mr. RICH. May I say to the gentleman that I acceded to the request of the gentleman from Texas [Mr. JONES] and deferred my unanimous-consent request. I indulged him that courtesy, and I expect it to be reciprocated. I hope the gentleman from Ohio will not object to this request, and I think the information will be of interest to the Members of the House of Representatives and to the country.

Mr. TRUAX. It always is. I shall not object.

Mr. RICH. I thank the gentleman.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RICH. Mr. Speaker, I call the attention of the Members of the House to the action of the Joint Committee on Printing. I was notified about a week ago that Senator NORRIS, who had made an address in the Senate on June 3, asked that 27 maps be tabulated as a part of the RECORD. Not knowing what those maps or charts were, I objected, until I could see them before granting permission. The Joint Committee on Printing was called together. Senator FLETCHER, Senator HAYDEN, the gentleman from North Carolina, Mr. LAMBETH, Chairman of the House Committee on Printing, and myself were present, and I like all of these gentlemen personally.

We had the 27 charts that were asked to be placed in the RECORD hung around the room. After we looked at all of these charts, every member of the joint committee who was present decided that if they were put in the RECORD about half of them would not be intelligible and no one would be able to read them; also several representatives from the Printing Office were of the same opinion. The Senators stated that because of the fact that Senator NORRIS had pointed to these charts during his speech they ought to be put in the RECORD, notwithstanding the fact they would be unintelligible and no one would be able to read them. I told them that if they would vote for a thing of that kind, to place charts in the RECORD that no one could read, I would bring it to the attention of the House, and they all agreed that I should, and I am now making good my promise. I try not to make promises I do not fulfill. Nor would I say something that I would not say before them in person.

I call your attention to pages 8491 to 8532 of the RECORD of Monday, June 3, 1935, and especially to pages 8494 to 8501 and 8508 to 8511 and 8517 to 8518 and 8521 to 8523, inclusive. I defy any Member of the House to read these 16 pages of the RECORD in their entirety. I know that the Senators, as young as they may be, cannot read them.

When we, as members of the Joint Committee on Printing, permit Members of the House or Members of the Senate to insert in the RECORD charts that are unintelligible, charts that are not understandable, or charts that are not readable, then I think as a Joint Committee on Printing we have not the backbone we should have; we have not the initiative to stop Members of Congress from placing in the RECORD things that cannot be read.

I like Senator FLETCHER and Senator HAYDEN and my colleague from North Carolina, Mr. LAMBETH, but we ought to have the backbone to tell the Members of the House and the Members of the Senate that we are not going to publish unreadable, illegible matter. What good is it but to spend taxpayers' money? I voted against its insertion in the RECORD.

Mr. McFARLANE. Mr. Speaker, will the gentleman yield?

Mr. RICH. I yield.

Mr. McFARLANE. The gentleman is opposed to the Wheeler-Rayburn bill, is he not, and opposed to the subject matter included in these charts, rather than the way they are extended and placed in the RECORD?

Mr. RICH. No; I am not taking that into consideration.

I want to tell the gentleman from Texas that when I oppose a thing I am not afraid to get up here and tell the Membership of the House just what I think about it, and I am not trying to beat around the bush or to go around Robin Hood's barn. Why print anything you cannot read?

Mr. McFARLANE. Is the gentleman for or against the Wheeler-Rayburn bill?

Mr. RICH. What bill is the gentleman talking about?

Mr. McFARLANE. The Wheeler-Rayburn bill. These charts were placed in the RECORD to fully illustrate and explain the splendid address Senator NORRIS made on this subject. You will note that the Senate passed this bill by a vote of 56 to 32 on June 11. I hope we will soon be able to discharge the House committee and bring this bill before the House.

Mr. RICH. That has nothing to do with the insertion of these charts here that cannot be read.

Mr. McFARLANE. It has a great deal to do with it.

Mr. RICH. It is not the subject I am discussing. You cannot read them.

Mr. McFARLANE. Yes; they can be read. I can read them. And the information contained in those charts helped pass this legislation, which, if and when adopted by the House, will go far toward saving the taxpayers many millions of dollars annually in lower light rates.

Mr. RICH. If you can read them, I will buy you a dinner.

Mr. McFARLANE. All right; buy the dinner. I can read them.

Mr. RICH. I will ask the gentleman to come down here in the well of the House, and if he can read any page that he may pick out that I have mentioned, I will buy a dinner for the whole House. [Applause.]

Mr. PARSONS. How much expense is involved in placing the matter in the RECORD?

Mr. RICH. About \$800 or \$900.

[Here the gavel fell.]

#### PRIVATE CALENDAR

The SPEAKER. The Clerk will call the first bill on the Private Calendar.

#### FIDELITY TRUST CO. AND OTHERS

The Clerk called the bill (S. 694) for the payment of the claims of the Fidelity Trust Co., of Baltimore, Md., and others.

Mr. TRUAX. Mr. Speaker, I object.

There being no further objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Commissioner of Internal Revenue be, and he is hereby, authorized and directed to receive, consider, and adjudicate claims for refund of the bankers' special tax paid under the acts of June 13, 1898, and October 22, 1914, in view of the decision of the Supreme Court of the United States in the case of *Fidelity & Deposit Co. v. United States* (259 U. S. 296), and *United States v. Fidelity & Deposit Co.* (266 U. S. 587), and in accordance with the agreement made March 3, 1925, between the Attorney General and the Secretary of the Treasury as a basis for settlement of such claims: *Provided*, That no claim shall be considered which is filed later than 6 months after the passage of this act.

Sec. 2. That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to such claimants any amount due and allowed in the determination of any such claims which shall have been presented in accordance with this act.

Mr. McFARLANE. Mr. Speaker, due to the confusion existing in the Chamber and the interruption of the gentlemen on the other side, I was not given an opportunity to object to this bill. I am opposed to the bill, and I think it should be passed over.

The SPEAKER. The objection comes too late. The Chair put the question two or three times, and the bill was then ordered to be read by the Clerk.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HARRY P. HOLLIDGE

The Clerk called the bill (S. 760) for the relief of Harry P. Hollidge.

The SPEAKER. Is there objection?

Mr. McFARLANE and Mr. COSTELLO objected, and the bill was recommitted to the Committee on Claims.

GEORGE B. SPEARIN, DECEASED

The Clerk called the bill (S. 781) for the relief of the estate of George B. Spearin, deceased.

The SPEAKER. Is there objection?

Mr. TRUAX and Mr. COSTELLO objected, and the bill was recommitted to the Committee on Claims.

FAIRMONT CREAMERY CO.

The Clerk called the bill (S. 1008) for the relief of the Fairmont Creamery, of Omaha, Nebr.

Mr. McFARLANE and Mr. HOPE objected, and the bill was recommitted to the Committee on Claims.

DINO CARBONELL

The Clerk called the bill (S. 1325) for the relief of Dino Carbonell.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Dino Carbonell, a resident of Italy, or his duly authorized representative, the sum of \$500, representing the amount of a United States Treasury bond (3 percent Treasury bond of 1951-1955, serial no. 22346-F) deposited by him with the immigration authorities of the port of New York, N. Y., as security for a bond executed by him and conditioned upon his departure from the United States on or before June 15, 1932, such bond being subsequently forfeited, although such Dino Carbonell departed from the United States within the period fixed in such bond, as extended by such immigration authorities: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendment:

Page 1, line 7, strike out the word "representing" and insert "in full settlement of all claims against the United States for."

The committee amendment was agreed to.

The bill, as amended, was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TERESA DE PREVOST

The Clerk called the next bill, S. 1360, for the relief of Teresa de Prevost.

The SPEAKER. Is there objection?

Mr. McFARLANE and Mr. TRUAX objected, and the bill was recommitted to the Committee on Claims.

MINNIE C. DE BACK

The Clerk called the bill (S. 1392) conferring upon the United States District Court for the Northern District of California, Southern Division, jurisdiction of the claim of Minnie C. de Back against the Alaska Railroad.

The SPEAKER. Is there objection?

Mr. McFARLANE. I object.

The SPEAKER. It requires two objections. The Clerk will report the bill.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That jurisdiction is hereby conferred upon the United States District Court for the Northern District of California, Southern Division, to hear, determine, and render judgment upon the claim of Minnie C. de Back, of San Francisco, Calif., against the Alaska Railroad for general and special damages by reason of personal injuries alleged to have been sustained by her on or about July 3, 1931, while a passenger aboard one of the trains operated by such railroad.

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Sec. 2. In the determination of such claim the Alaska Railroad shall be held liable for any tort committed by any of its servants to the same extent as if it were a private person.

Sec. 3. Such claim may be instituted at any time within 1 year after the enactment of this act, notwithstanding the lapse of time or any statute of limitation. Proceedings for the determination of such claim, and appeals from, and payment of, any judgment thereon shall be in the same manner as in the case of claims over which such court has jurisdiction under the first paragraph of paragraph 20 of section 24 of the Judicial Code, as amended.

The bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

MILES THOMAS BARRETT

The Clerk called the next bill, S. 546, a bill for the relief of Miles Thomas Barrett.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Miles Thomas Barrett, of Portland, Oreg., the sum of \$109.85 for his services in the United States Army as a private in the Corps of Engineers for the period of May 7, 1918, to August 19, 1918, both dates inclusive: *Provided,* That his service in the United States Army during the period in question is hereby made honorable by virtue of the passage of this act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GERMAINE M. FINLEY

The Clerk called the bill (S. 1809) for the relief of Germaine M. Finley.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Germaine M. Finley, widow of James G. Finley, late a Foreign Service officer of the United States at Havre, France, the sum of \$2,750, being 1 year's salary of her deceased husband, who died while in the Foreign Service; and there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, a sufficient sum to carry out the purpose of this act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

GEORGE R. SLATE

The Clerk called the bill (H. R. 4259) for the relief of George R. Slate.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, George R. Slate, who was a member of Company G, Third Regiment Virginia Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 2d day of July 1898, and notwithstanding any provisions to the contrary in the act relating to pensions approved April 26, 1898, as amended by the act approved May 11, 1908: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

RAYMOND C. BOGART

The Clerk called the bill (H. R. 780) for the relief of Raymond C. Bogart.

Mr. COSTELLO and Mr. TRUAX objected, and the bill was recommitted to the Committee on Naval Affairs.

HERBERT L. STAFFORD

The Clerk called the bill (H. R. 845) for the relief of Herbert L. Stafford.

Mr. TRUAX and Mr. COSTELLO objected, and the bill was recommitted to the Committee on Naval Affairs.

DAVID SCHWARTZ

The Clerk called the bill (H. R. 855) for the relief of David Schwartz.

Mr. McFARLANE and Mr. TRUAX objected, and the bill was recommitted to the Committee on Naval Affairs.



THOMAS T. GESSLER

The Clerk called the bill (H. R. 1070) for the relief of Thomas T. Gessler.

Mr. McFARLANE and Mr. TRUAX objected, and the bill was recommitted to the Committee on Naval Affairs.

CARL A. BUTLER

The Clerk called the bill (H. R. 1470) for the relief of Carl A. Butler.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Carl A. Butler, who was a member of the United States Marine Corps, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 31st day of March 1919: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

RUSSELL H. LINDSAY

The Clerk called the bill (H. R. 1714) for the relief of Russell H. Lindsay.

The SPEAKER. Is there objection?

Mr. McFARLANE. Mr. Speaker, I object.

The SPEAKER. Is there further objection?

There was no further objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the President of the United States be, and he is hereby, authorized to appoint Russell H. Lindsay, former ensign, United States Navy, in which grade he served honorably during the World War, an ensign in the United States Navy, and to retire him and place him on the retired list of the Navy as ensign, with retired pay of that grade as provided by law for officers retired by reason of physical disability incident to service.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

JOHN P. SEABROOK

The Clerk called the bill (H. R. 2118) for the relief of John P. Seabrook.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers and sailors John P. Seabrook, who was a member of the United States Marine Corps, shall hereafter be held and considered to have been honorably discharged from the naval service of the United States as a member of that organization on the 20th day of September 1920: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

ANTHONY PETER DE YOUNG

The Clerk called the bill (H. R. 2315) for the relief of Anthony Peter De Young.

Mr. COSTELLO and Mr. TRUAX objected, and the bill was recommitted to the Committee on Naval Affairs.

SGT. MAJ. EDMUND S. SAYER

The Clerk called the bill (H. R. 2555) to extend to Sgt. Maj. Edmund S. Sayer, United States Marine Corps (retired), the benefits of the act of May 7, 1932, providing highest World War rank to retired enlisted men.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That Sgt. Maj. Edmund S. Sayer, United States Marine Corps (retired), is hereby placed on the retired list of the United States Marine Corps with the rank of lieutenant colonel: *Provided further*, That no increase in active or retired pay or allowances shall result from the passage of this act over and above that now authorized under the act of June 6, 1924, to enlisted men on the retired list.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

JOHN E. FONDAHL

The Clerk called the next bill, H. R. 2611, for the relief of John E. Fondahl.

There being no objection the Clerk read as follows:

*Be it enacted, etc.,* That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged marines John E. Fondahl, formerly private in the Forty-fourth Company, Third Regiment, United States Marine Corps, shall hereafter be held and considered to have been honorably discharged from the naval service of the United States on September 14, 1921: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GEORGE FRANCIS GRUNDY

The Clerk called the next bill, H. R. 2710, for the relief of George Francis Grundy.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HANCOCK of New York and Mr. HOPE objected, and the bill, under the rule, was recommitted to the Committee on Naval Affairs.

VICTOR OSCAR GOKEY

The Clerk called the next bill, H. R. 3366, for the relief of Victor Oscar Gokey.

The SPEAKER. Is there objection?

Mr. COSTELLO and Mr. TRUAX objected, and the bill, under the rule, was recommitted to the Committee on Naval Affairs.

WILLIAM H. CLINTON

The Clerk called the next bill, H. R. 3604, to place William H. Clinton on the retired list of the Navy.

There being no objection, the Clerk read as follows:

*Be it enacted, etc.,* That the President is authorized to appoint William H. Clinton, formerly a warrant gunner, United States Navy, and to retire him and place him on the retired list of the Navy as a warrant gunner, with the retired pay and allowance of that grade: *Provided*, That a duly constituted naval retiring board finds that the said William H. Clinton incurred physical disability incident to the service while on the active list of the Navy: *Provided further*, That no bounty, back pay, pension, or allowance of any kind shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CAPT. ARTHUR L. BRISTOL, UNITED STATES NAVY

The Clerk called the next bill, H. R. 3760, for the relief of Capt. Arthur L. Bristol, United States Navy.

There being no objection, the Clerk read as follows:

*Be it enacted, etc.,* That jurisdiction is hereby conferred upon the Court of Claims of the United States, notwithstanding the lapse of time or any statute of limitations, to hear and determine, in the same manner in which other claims of like nature coming within the statute of limitations are heard and determined by the Court of Claims, the claim of Capt. Arthur L. Bristol, United States Navy, for rental and subsistence allowances alleged to be due him as an officer with dependents (mother, for the years 1922 to 1925, inclusive). Any judgment which may be entered by the Court of Claims in favor of Captain Bristol will be certified to the Congress for payment in the usual manner.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ELZA BENNETT

The Clerk called the next bill, H. R. 4274, correcting date of enlistment of Elza Bennett in the United States Navy.

There being no objection, the Clerk read as follows:

*Be it enacted, etc.,* That in the administration of the laws relating to the Navy and the Naval Reserve Elza Bennett, of the United States Navy, shall for all purposes be held and considered to have reenlisted in the Navy on June 26, 1925: *Provided*, That no compensation, retirement pay, back pay, pension, or other benefit shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## GEORGE BRACKETT CARGILL, DECEASED

The Clerk called the next bill, H. R. 4623, for the relief of George Brackett Cargill, deceased.

There being no objection, the Clerk read as follows:

*Be it enacted, etc.,* That in the administration of any laws conferring rights, privileges, or benefits upon persons honorably discharged from the United States Navy George Brackett Cargill, deceased, shall be held and considered to have been discharged under honorable conditions as a seaman, second class, United States Navy, on July 22, 1918: *Provided,* That no compensation, retirement pay, back pay, pension, or other benefit shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## MICHAEL F. CALNAN

The Clerk called the next bill, H. R. 5100, for the relief of Michael F. Calnan.

The SPEAKER. Is there objection?

Mr. MOTT and Mr. HOPE objected, and the bill, under the rule, was recommitted to the Committee on Naval Affairs.

## FREDERICK L. CAUDLE

The Clerk called the next bill, H. R. 5782, providing for the advancement in rank of Frederick L. Caudle on the retired list of the United States Navy.

Mr. HANCOCK of New York, Mr. MOTT, and Mr. HOPE objected, and the bill, under the rule, was recommitted to the Committee on Naval Affairs.

## SYLVESTER T. MORIARTY

The Clerk called the next bill, H. R. 966, for the relief of Sylvester T. Moriarty.

The SPEAKER. Is there objection?

Mr. TRUAX and Mr. COSTELLO objected, and the bill, under the rule, was recommitted to the Committee on Naval Affairs.

## ORDER OF BUSINESS

Mr. DOUGHTON. Mr. Speaker, I ask unanimous consent that it shall be in order on Monday next for the Speaker to recognize Members for motions to suspend the rules.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that it shall be in order on Monday next to recognize Members for the suspension of the rules.

Is there objection to the request of the gentleman from North Carolina?

Mr. SNELL. Mr. Speaker, reserving the right to object, as I understand the request of the gentleman from North Carolina, it was for this one special bill; it did not mean there would be a general suspension day on Monday.

The SPEAKER. The Chair will state to the gentleman from New York that the Chair will only recognize some Member to move to suspend the rules on the bill which the Chair assumes the gentleman refers to.

Mr. SNELL. That is the tax bill; we might as well be perfectly frank about it.

The SPEAKER. That is the understanding.

Mr. SNELL. If it is simply for the purpose of taking care of that one bill, I think it is all right, for several Members have left the city with the understanding that the bill would not be taken up before Monday.

Mr. DOUGHTON. That is why I am submitting this unanimous-consent request.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

## THE PRIVATE CALENDAR

## BURTON BOWEN

The Clerk called the next bill on the Private Calendar, H. R. 778, for the relief of Burton Bowen.

Mr. COSTELLO and Mr. McFARLANE objected, and, under the rule, the bill was recommitted to the Committee on Naval Affairs.

## JOHN M. McNULTY

The Clerk called the next bill, H. R. 2130, for the relief of John M. McNulty.

Mr. TRUAX. Mr. Speaker, I object.

There being no further objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the President be, and he is hereby, authorized and directed to appoint Lt. Comdr. John M. McNulty, United States Naval Reserve, a lieutenant commander on the Naval Reserve officers' retired list of the United States Navy, with the rank of lieutenant commander, with retired pay of that rank, as provided by law, for officers retired by reason of physical disability incident to service.

Mr. COSTELLO. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Costello: Page 1, after line 9, insert the following: "*Provided,* That no compensation, pay, back pay, pension, or other benefit shall be held to have accrued prior to the passage of this act."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed and a motion to reconsider was laid on the table.

## JOSEPH HORACE ALBION NORMANDIN

The Clerk called the next bill, H. R. 2333, to correct the naval record of Joseph Horace Albion Normandin.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to substitute for the House bill a similar Senate bill, S. 885.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the Senate bill as follows:

*Be it enacted, etc.,* That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged sailors Joseph Horace Albion Normandin, formerly a seaman, United States Navy, shall be held and considered to have been discharged with an ordinary discharge under honorable conditions as of April 18, 1929, the date on which he was given a bad-conduct discharge from the Navy: *Provided,* That no compensation, retirement pay, back pay, pension, or other benefits shall be held to have accrued prior to the passage of this act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A House bill (H. R. 2333) was laid on the table.

## AUSTIN L. TIERNEY

The Clerk called the next bill, H. R. 3390, for the relief of Austin L. Tierney.

By unanimous consent, a similar Senate bill (S. 144) was substituted for the House bill.

There being no objection, the Clerk read the Senate bill, as follows:

*Be it enacted, etc.,* That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Austin L. Tierney, who served as a fireman, third-class, United States Navy, shall be held and considered to have been honorably discharged from the naval service of the United States as a fireman, third class, on April 25, 1918: *Provided,* That no compensation, retirement pay, back pay, or other benefits shall be held to have accrued, nor to accrue in the future, by reason of the passage of this act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider and a House bill (H. R. 3390) were laid on the table.

## W. B. FOUNTAIN

The Clerk called the next bill, H. R. 6697, for the relief of W. B. Fountain.

Mr. HOPE, Mr. HANCOCK of New York, and Mr. TRUAX objected, and, under the rule, the bill was recommitted to the Committee on Military Affairs.

## ALBERT D. CASTLEBERRY

The Clerk called the next bill, H. R. 1583, for the relief of Albert D. Castleberry.

Mr. McFARLANE and Mr. TRUAX objected, and, under the rule, the bill was recommitted to the Committee on Military Affairs.

## BERYL M. McHAM

The Clerk called the next bill, H. R. 6391, for the relief of Beryl M. McHam.

Mr. COSTELLO and Mr. TRUAX objected, and, under the rule, the bill was recommitted to the Committee on Military Affairs.



FRED M. MUNN

The Clerk called the next bill, S. 417, for the relief of Fred M. Munn.

Mr. McFARLANE and Mr. TRUAX objected, and, under the rule, the bill was recommitted to the Committee on Military Affairs.

NELLIE T. FRANCIS

The Clerk called the next bill, H. R. 3574, for the relief of Nellie T. Francis.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Nellie T. Francis, widow of William T. Francis, late minister resident and consul general at Monrovia, Liberia, the sum of \$5,000, equal to 1 year's salary of her deceased husband.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LILY M. MILLER

The Clerk called the next bill, H. R. 7254, for the relief of Lily M. Miller.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the relief of Lily M. Miller, widow of Ransford S. Miller, American consul general, the sum of \$9,000, being 1 year's salary of her deceased husband, who died while in the Foreign Service.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

YVONNE HALE

The Clerk called the next bill, S. 799, for the relief of Yvonne Hale.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Yvonne Hale, widow of Bernard F. Hale, late American consul at Venice, Italy, the sum of \$4,000, equal to 1 year's salary of her deceased husband: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JANE B. SMITH AND DORA D. SMITH

The Clerk called the next bill, H. R. 351, for the relief of Jane B. Smith and Dora D. Smith.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$10,000 to Jane B. Smith, of Plattsburg, N. Y., and \$2,500 to her daughter Dora D. Smith, in full settlement against the Government for all claims resulting from injuries sustained when struck by a United States War Department motor vehicle: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendments:

On page 1, line 5, strike out "\$10,000" and insert "\$7,500"; page 1, line 7, strike out "\$2,500" and insert "\$750."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GEORGE B. GATES

The Clerk called the next bill, H. R. 670, conferring jurisdiction in the Court of Claims to hear and determine the claim of George B. Gates.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That jurisdiction is hereby conferred upon the Court of Claims of the United States, notwithstanding the lapse of time or the statute of limitation and the fact that George B. Gates was an employee of the United States as a draftsman at the Boston Navy Yard when he made his invention, and notwithstanding the provisions of the act of Congress approved June 25, 1910, and the amendatory act approved July 1, 1918, to hear, adjudicate, and render judgment on the claim of the said George B. Gates for compensation for the use and manufacture by or for the United States of an invention of said George B. Gates, described in and covered by Letters Patent No. 997616, issued by the Patent Office of the United States July 11, 1911. That the claim of George B. Gates now pending in the Court of Claims, no. 17320, pursuant to Senate resolution considered and agreed to February 9, 1920, be dismissed: *Provided, however,* That the testimony and exhibits heretofore adduced on behalf of claimant and the defendant constitute the record in the present claim for the decision by the Court of Claims.

Sec. 2. From any decision or judgment rendered under the authority of this act application for appellate review may be made by either party in conformity to the law applicable to suits in the Court of Claims by owners of patents under and by virtue of the statute of June 25, 1910, as amended by the act of July 1, 1918; and any judgment in favor of claimant for compensation for the use of his invention shall be paid in the same manner as other judgments for compensation rendered by the Court of Claims.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FRED EPPS

The Clerk called the next bill, H. R. 810, for the relief of Fred Epps.

Mr. HANCOCK of New York, and Mr. HOPE objected, and, under the rule, the bill was recommitted to the Committee on Claims.

TEVIS MOTOR CO.

The Clerk called the next bill, H. R. 971, for the relief of the Tevis Motor Co.

Mr. TRUAX and Mr. McFARLANE objected, and, under the rule, the bill was recommitted to the Committee on Claims.

LESTER I. CONRAD

The Clerk called the next bill, H. R. 1540, for the relief of Lester I. Conrad.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That sections 17 and 20 of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended (U. S. C., title 5, secs. 767 and 770), are hereby waived in favor of Lester I. Conrad, of Oakland, Calif., who sustained an injury while employed as a carpenter for the cold-storage and ice-making plant, American Expeditionary Forces, at Gievres, France, on January 30, 1918, which resulted in permanent physical disability, and his case is authorized to be considered and acted upon under the remaining provisions of such act, as amended, if he files a notice of such injury and claim for compensation with the United States Employees' Compensation Commission not later than 60 days after the date of enactment of this act.

The term "injury", as used in this act, shall have the meaning assigned to such term in section 40 of such act of September 7, 1916, as amended (U. S. C., title 5, sec. 790).

With the following committee amendments:

On page 1, line 9, after the word "who", insert the words "is alleged to have."

On page 2, line 7, after the word "act", insert "Provided, That no benefits shall accrue prior to the approval of this act."  
And strike out lines 9 to 12, inclusive.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### ALLEGHENY FORGING CO.

The Clerk called the next bill, H. R. 3162, for the relief of the Allegheny Forging Co.

Mr. McFARLANE and Mr. TRUAX objected, and, under the rule, the bill was recommitted to the Committee on Claims.

#### JOHN L. ALCOCK

The Clerk called the next bill, H. R. 3559, for the relief of John L. Alcock.

Mr. McFARLANE and Mr. TRUAX objected, and, under the rule, the bill was recommitted to the Committee on Claims.

#### FLOYD HULL

The Clerk called the next bill, H. R. 4226, for the relief of Floyd Hull.

Mr. COSTELLO and Mr. TRUAX objected, and, under the rule, the bill was recommitted to the Committee on Claims.

#### ANNA FARRUGGIA

The Clerk called the next bill, H. R. 4406, for the relief of Anna Farruggia.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Anna Farruggia, out of any money in the Treasury not otherwise appropriated, the sum of \$1,000 as reimbursement of cash bail deposited with former United States Commissioner Arthur G. Fisk, at San Francisco, Calif., and misappropriated by said official.

With the following committee amendments:

On page 1, line 6, strike out the words "as reimbursement of" and insert in lieu thereof "in full settlement of all claims against the United States for."

Page 1, line 10, insert the following:

*Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

#### FLOYD HULL

Mr. TRUAX. Mr. Speaker, I ask unanimous consent to return to Calendar No. 351, the bill (H. R. 4226) for the relief of Floyd Hull.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Floyd Hull, out of any money in the Treasury not otherwise appropriated, the sum of \$1,500 in full settlement of all claims against the Government on account of the loss of his thumb on August 6, 1934, while in the performance of his duties with the North Carolina National Guard at Fort Bragg.

With the following committee amendments:

On page 1, line 6, strike out "\$2,500" and insert "\$1,500."

On page 1, at the end of line 9, insert the following: "*Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, with-

hold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

#### DISBURSING OFFICERS OF THE ARMY OF THE UNITED STATES

The Clerk called the next bill, H. R. 4841, for the relief of certain disbursing officers of the Army of the United States and for the settlement of individual claims approved by the War Department.

Mr. HOPE and Mr. MOTT objected, and, under the rule, the bill was recommitted to the Committee on Claims.

#### GEORGE R. JONES CO.

The Clerk called the next bill, H. R. 4997, for the relief of the George R. Jones Co., a corporation organized under the laws of the State of New Hampshire.

Mr. McFARLANE and Mr. COSTELLO objected, and, under the rule, the bill was recommitted to the Committee on Claims.

#### MOSES ISRAEL

The Clerk called the next bill, H. R. 5393, for the relief of Moses Israel.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Moses Israel the sum of \$3,500 for damages suffered by reason of being struck and injured by a Government automobile which was driven by an employee of the Post Office Department: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendment:

Page 1, line 6, after "\$3,500", insert "in full settlement of all claims against the United States."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### FRANK WILLIAMS

The Clerk called the next bill, H. R. 5521, for the relief of Frank Williams.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Frank Williams the sum of \$2,500 in full settlement of all claims against the United States Government by reason of being struck and permanently injured by a Government automobile which was driven by an employee of the Post Office Department: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### LUCILE A. ABBEY

The Clerk called the next bill, S. 43, for the relief of Lucile A. Abbey.



There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That in the administration of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended, the United States Employees' Compensation Commission is hereby authorized to consider and determine the claim of Lucile A. Abbey, in the same manner and to the same extent as if said Lucile A. Abbey had made application for the benefits of said act within the 1-year period required by sections 17 and 20 thereof: *Provided*, That no benefits shall accrue prior to the approval of this act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### ESTATE OF MRS. DONNIE WRIGHT, DECEASED

The Clerk called the next bill, S. 148, for the relief of the estate of Donnie Wright.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the estate of Donnie Wright, late of Vicksburg, Miss., the sum of \$4,500, in full satisfaction of its claim against the United States on account of the death of said Donnie Wright, caused by injuries received by her in 1929 in an elevator in the post-office building at Vicksburg, Miss.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### RALPH E. WOOLLEY

The Clerk called the next bill, S. 391, for the relief of Ralph E. Woolley.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$7,755.47 to Ralph E. Woolley, of Honolulu, Territory of Hawaii, in full satisfaction of all claims against the United States for damages on account of delay in the construction of certain buildings at the Naval Operating Base, Pearl Harbor, Territory of Hawaii, making necessary extra expenditures in connection with the installation, under contract no. 245, dated December 23, 1927, of plumbing, steam, oil distribution, and electrical systems in such buildings: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### ALFRED W. KLIEFOTH

The Clerk called the next bill, S. 547, for the relief of Alfred W. Kliefoth.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Alfred W. Kliefoth the sum of \$3,940.47 in full settlement of all claims against the Government of the United States to reimburse him for personal property lost in Russia in 1918 while in the performance of his duties as assistant military attaché at the American Embassy at Petrograd.

With the following committee amendment:

On page 1, line 10, insert: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### WESTERN ELECTRIC CO., INC.

The Clerk called the next bill, S. 560, for the relief of the Western Electric Co., Inc.

Mr. TRUAX and Mr. COSTELLO objected, and, under the rule, the bill was recommitted to the Committee on Claims.

#### WESTERN UNION TELEGRAPH CO.

The Clerk called the bill (S. 1051) for the relief of the Western Union Telegraph Co.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Western Union Telegraph Co. the sum of \$1,155.32 in full and final settlement of all claims against the Government for expenses incurred in repairing a Western Union cable which was picked up and cut by the Coast Guard cutter *Pequot*, January 22, 1931, in grappling for a United States submarine cable between Knight Key Harbor and Sombrero Key, Fla.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### STEFANO TALANCO AND EDITH TALANCO

The Clerk called the bill (S. 1585) for the relief of Stefano Talanco and Edith Talanco.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Stefano Talanco and his minor daughter, Edith Talanco, both of Bexar County, Tex., the sum of \$7,000 in full satisfaction of their claims against the United States for damages on account of personal injuries suffered on May 17, 1932, when a United States Army airplane, piloted by Lieut. E. T. Selzer, crashed into the automobile owned by said Stefano Talanco, which was parked on the Castroville Road, Bexar County, Tex., and in which said Stefano Talanco and Edith Talanco were sitting at the time of such collision, such sum representing (1) \$2,000 for permanent personal injuries suffered by said Stefano Talanco, and (2) \$5,000 for personal injuries suffered by said Edith Talanco: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendments:

Page 1, line 7, strike out "\$9,500" and insert "\$7,000"; page 2, line 5, strike out "\$7,500" and insert "\$5,000."

The committee amendments were agreed to.

The bill, as amended, was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TAMPA MARINE CO.

The Clerk called the bill (S. 1860) for the relief of the Tampa Marine Co.

Mr. TRUAX and Mr. COSTELLO objected, and the bill was recommitted to the Committee on Claims.

TRIFUNE KORAC

The Clerk called the bill (S. 1863) for the relief of Trifune Korac.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Trifune Korac, out of any money in the Treasury not otherwise appropriated, the sum of \$2,000 representing the amount reimbursed by him to the American Employers' Insurance Co. upon the forfeiture of two immigration bonds executed by said company, upon security furnished by said Trifune Korac conditioned upon the appearance before the immigration authorities of Kirsto Temelkovich and Kosta Simonovich, aliens, who, after the forfeiture of said bonds and the payment of the amount thereof by the bonding company, were apprehended through the efforts of said Trifune Korac and subsequently deported: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendment:

On page 1, line 6, strike out the word "representing" and insert "in full settlement of all claims against the Government of the United States for."

The committee amendment was agreed to.

The bill, as amended, was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MARY SERO JOHNSON (NEE MARY SERO)

The Clerk called the bill (H. R. 6296) to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of Mary Sero Johnson, nee Mary Sero.

Mr. TRUAX and Mr. McFARLANE objected, and the bill was recommitted to the Committee on Indian Affairs.

HORTON & HORTON

The Clerk called the bill (H. R. 6549) for the relief of Horton & Horton.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Horton & Horton, of Houston, Tex., the sum of \$21,648.84 in full settlement of all claims against the Government for labor and materials furnished in connection with the proposed construction of three timber seaplane hangars, pavement, and beach at the naval air station, Galveston, Tex., in 1918.

With the following committee amendment:

Page 1, line 6, strike out "\$21,648.84" and insert "\$19,361.30."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SHIPLEY SADDLERY & MERCANTILE CO.

The Clerk called the bill (H. R. 2213) for the relief of Charles P. Shipley Saddlery & Mercantile Co.

Mr. McFARLANE and Mr. TRUAX objected, and the bill was recommitted to the Committee on War Claims.

ERNST NUSSBAUM

The Clerk called the bill (H. R. 2989) for the relief of Ernst Nussbaum.

Mr. COSTELLO and Mr. McFARLANE objected, and the bill was recommitted to the Committee on War Claims.

FRED G. CLARK CO.

The Clerk called the bill (S. 281) for the relief of the Fred G. Clark Co.

Mr. McFARLANE and Mr. COSTELLO objected, and the bill was recommitted to the Committee on War Claims.

SOUTHERN PRODUCTS CO.

The Clerk called the bill (S. 929) for the relief of the Southern Products Co.

Mr. McFARLANE and Mr. TRUAX objected, and the bill was recommitted to the Committee on War Claims.

JOHN A. JUMER

The Clerk called the bill (S. 1363) for the relief of John A. Jumer.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay out of any money in the Treasury not otherwise appropriated, to John A. Jumer, of Two Harbors, Minn., the sum of \$277, in full satisfaction of his claim against the United States for personal-property losses sustained by him in 1918 while serving as a captain, Dental Corps, United States Army, in the Argonne Forest, France: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

JOHN W. DADY

The Clerk called the bill (H. R. 6949) for the relief of John W. Dady.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. Without objection, the Clerk will report a similar Senate bill, S. 2333.

There was no objection, and the Clerk read the Senate bill, as follows:

*Be it enacted, etc.,* That the Comptroller General of the United States be, and he is hereby, authorized and directed to allow credit in the accounts of John W. Dady, superintendent and special disbursing agent of the Mission Indian Agency, Riverside, Calif., for payments aggregating \$582.50, made to Thomas Lucas, an Indian, as mileage for travel performed by automobile while employed as subforeman in emergency conservation work.

Mr. COSTELLO. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Line 10, after the word "work", insert "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The amendment was agreed to and the bill as amended was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

A House bill (H. R. 6949) was laid on the table.



## SOUTHERN OVERALL CO.

The Clerk called the bill (H. R. 4408) for the relief of the Southern Overall Co.

Mr. HOPE and Mr. MOTT objected, and the bill was re-committed to the Committee on War Claims.

## THOMAS G. CARLIN

The Clerk called the bill (H. R. 1759) for the relief of Thomas G. Carlin.

The SPEAKER. Is there objection?

Mr. McFARLANE. Mr. Speaker, I object.

The SPEAKER. Is there further objection?

There was no objection.

The SPEAKER. Without objection, a similar Senate bill (S. 1410) will be substituted.

There was no objection.

The Clerk read the Senate bill, as follows:

*Be it enacted, etc.,* That the President of the United States be, and he is hereby, authorized to summon Thomas G. Carlin, formerly captain in the Army of the United States, before a retiring board to inquire whether at the time of his resignation from the Regular Army he was incapacitated for active service, and whether such incapacity was a result of an incident of service, and if, as a result of such inquiry it is found that he was so incapacitated, the President is authorized to nominate said Thomas G. Carlin a captain in the Regular Army and place him immediately thereafter upon the retired list of the Army, with the same privileges and retired pay as are now or may hereafter be provided by law or regulation for officers of the Regular Army: *Provided,* That the said Thomas G. Carlin shall not be entitled to any back pay or allowance.

The bill was ordered to be read a third time, was read a third time, and passed, and a motion to reconsider laid on the table.

A House bill (H. R. 1759) was laid on the table.

## HARRY L. REAVES

The Clerk called the bill (S. 1390) for the relief of Harry L. Reaves.

Mr. HANCOCK of New York and Mr. MOTT objected, and the bill was recommitted to the Committee on Military Affairs.

## HENRY C. ZELLER AND EDWARD G. ZELLER

The Clerk called the bill (H. R. 781) for the relief of Henry C. Zeller and Edward G. Zeller with respect to the maintenance of suit against the United States for the recovery of any income tax paid to the United States for the fiscal year beginning October 1, 1916, and ending September 30, 1917, in excess of the amount of tax lawfully due for such period.

Mr. TRUAX and Mr. McFARLANE objected, and the bill was recommitted to the Committee on Claims.

## JAMES P. WHALEN

The Clerk called the bill (H. R. 2325) for the relief of James P. Whalen.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That sections 17 and 20 of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended (U. S. C., title 5, secs. 767 and 770), are hereby waived in favor of James P. Whalen, of Cambridge, Mass., who is alleged to have sustained an injury while employed in the Government arsenal at Watertown, Mass., in 1918 and 1919, which resulted in permanent physical disability, and his case is authorized to be considered and acted upon under the remaining provisions of such act, as amended, if he files a notice of such injury and claim for compensation with the United States Employees' Compensation Commission not later than 60 days after the date of enactment of this act.

The term "injury", as used in this act, shall have the meaning assigned to such term in section 40 of such act of September 7, 1916, as amended (U. S. C., title 5, sec. 790).

With the following committee amendments:

Page 1, line 9, after the word "who", insert "is alleged to have"; and on page 2, strike out all of lines 7, 8, and 9 and insert in lieu thereof "Any benefits awarded hereunder shall not accrue prior to the approval of this act."

The amendments were agreed to and the bill as amended was ordered to be engrossed and read a third time, was read

the third time, and passed, and a motion to reconsider laid on the table.

## THOMAS HARRIS McLAUGHLIN

The Clerk called the bill (H. R. 2730) for the relief of Thomas Harris McLaughlin.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the United States Employees' Compensation Commission be, and it is hereby, authorized and directed to pay out of the employees' compensation fund to Thomas Harris McLaughlin during his natural life the sum of \$25 per month, to date from the passage of this act, as compensation for injuries to his right wrist and arm on or about the 29th day of February 1932, in line of duty and while he was serving as an inmate of the United States Industrial Reformatory at Chillicothe, Ohio.

With the following committee amendment:

Page 1, line 11, strike out the period, insert a colon and the following: "Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

## MRS. L. B. GENTRY

The Clerk called the next bill, H. R. 3149, to confer jurisdiction upon the United States District Court for the Southern District of Texas, Corpus Christi Division, to determine the claim of Mrs. L. B. Gentry.

There being no objection, the Clerk read as follows:

*Be it enacted, etc.,* That jurisdiction is conferred upon the United States District Court for the Southern District of Texas, Corpus Christi Division, to hear and determine, and to render judgment, as if the United States were suable in tort, on the claim of Mrs. L. B. Gentry, Corpus Christi, Tex., to recover damages for the death of her husband, L. B. Gentry, resulting from injuries sustained when the automobile which the said L. B. Gentry was driving was struck by a United States Army truck near Alice, Tex., on or about September 8, 1931, if such suit is brought within 1 year after the enactment of this act.

Sec. 2. There are authorized to be appropriated such sums as may be necessary to pay any judgment rendered by such court in such suit.

With the following committee amendment:

On page 2, strike out lines 5, 6, and 7, and insert: "Sec. 2. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, a sum sufficient to pay the judgment rendered against the United States, if any, as a result of suit hereunder."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## ALLEGHENY FORGING CO.

The Clerk called the next bill, H. R. 3163, for the relief of the Allegheny Forging Co.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TRUAX, Mr. McFARLANE, and Mr. COSTELLO objected, and the bill, under the rule, was recommitted to the Committee on Claims.

## MRS. LAWRENCE CHLEBECK

The Clerk called the next bill, H. R. 3575, for the relief of Mrs. Lawrence Chlebeck.

The SPEAKER. Is there objection?

Mr. HANCOCK of New York and Mr. McFARLANE objected, and the bill, under the rule, was recommitted to the Committee on Claims.

JAMES L. PARK

The Clerk called the next bill, H. R. 3907, for the relief of James L. Park.

The SPEAKER. Is there objection?

Mr. TRUAX and Mr. COSTELLO objected, and the bill, under the rule, was recommitted to the Committee on Claims.

E. C. WEST

The Clerk called the next bill, H. R. 4368, for the relief of E. C. West.

There being no objection, the Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to E. C. West, of Dunn, N. C., the sum of \$201.59 as reimbursement in full of substitute-clerk hire paid by him from December 31, 1921, to September 30, 1922, while acting as postmaster at Dunn, N. C.

With the following committee amendments:

On page 1, line 6, after the figures, strike out "as reimbursement in full of" and insert in lieu thereof "in full settlement of all claims against the United States for"; and in line 10, after the words "North Carolina", insert a colon and the following: "Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A. BRUCE BIELASKI

The Clerk called the next bill, H. R. 4816, for the relief of A. Bruce Bielaski.

The SPEAKER. Is there objection?

Mr. COSTELLO and Mr. McFARLANE objected, and the bill, under the rule, was recommitted to the Committee on Claims.

WARD J. LAWTON

The Clerk called the next bill, H. R. 4821, for the relief of Ward J. Lawton, special disbursing agent, Lighthouse Service, Department of Commerce.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. A similar Senate bill (S. 1656) will be substituted, without objection.

There was no objection.

The Clerk read as follows:

*Be it enacted, etc.,* That the Comptroller General of the United States is hereby authorized and directed to credit in the accounts of Ward J. Lawton, special disbursing agent, Lighthouse Service, Department of Commerce, the sum of \$204 paid to the Liberty Brush Co., Philadelphia, Pa. (voucher no. 6660), May 17, 1932, which was later disallowed by the Comptroller General of the United States.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A House bill (H. R. 4821) was laid on the table.

WASHINGTON POST CO.

The Clerk called the next bill, H. R. 4830, for the relief of the Washington Post Co.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. Without objection, a similar Senate bill (S. 1052) will be substituted for the House bill.

There was no objection.

The Clerk read the Senate bill, as follows:

*Be it enacted, etc.,* That notwithstanding the provisions of the act of July 31, 1876, being "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1877, and for other purposes" (19 Stat. L. 105; U. S. C., title 44, sec. 321), the Secretary of the Treasury be, and he

is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Washington Post Co., Washington, D. C., the sum of \$109.80 in full settlement and satisfaction of its claim for advertising services rendered the Veterans' Administration in advertising for proposals to furnish labor and materials for certain construction projects as the Veterans' Administration home, Leavenworth, Kans.; Veterans' Administration hospital, Columbia, S. C.; and Veterans' Administration home, Johnson City, Tenn.

Mr. COSTELLO. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COSTELLO: On page 2, line 18, after the figures, insert a colon and the following: "Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The amendment was agreed to.

The Senate bill, as amended, was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A House bill (H. R. 4830) was laid on the table.

#### CLAIMS OF MILITARY PERSONNEL

The Clerk called the next bill, H. R. 4850, to authorize the settlement of individual claims of military personnel for damages to and loss of private property incident to the training, practice, operation, or maintenance of the Army.

There being no objection, the Clerk read as follows:

*Be it enacted, etc.,* That the General Accounting Office be, and is hereby, authorized and directed to pay the following claims of military personnel and civilian employees in the amounts shown, which have been approved and recommended for payment by the Secretary of War, for damages to and loss of private property of such personnel incident to the training, practice, operation, or maintenance of the Army, and that such payments be made from the present appropriation of the War Department, entitled "Claims for damages to and loss of private property": Edith Alward, wife of Staff Sergeant Henry J. Alward, \$43.50; R. G. Ayers, captain, Infantry, \$55.15; Miss G. M. Anderson, civilian employee, \$22.30; Harrison B. Beavers, captain, Infantry, \$14.85; James H. Blackwell, major, Medical Corps, \$45; Clifford Bunting, sergeant, \$7.30; Carl B. Byrd, captain, Cavalry, \$21.50; Frank T. Balke, lieutenant, Infantry Reserve, \$160; Michael J. Byrne, captain, Infantry, \$32; Marion Budnick, civilian employee, \$22.67; Jasper E. Brady, lieutenant, Infantry, \$7.60; M. E. Barker, captain, Chemical Warfare Service, \$37.75; Warren R. Carter, first lieutenant, Air Corps, \$250; Paul J. Chesterton, sergeant, \$146.50; Thomas E. Christ, civilian employee, \$21.25; Harvey G. Clark, sergeant, \$40; Robert M. Copeland, captain, Corps of Engineers, \$3.85; W. A. Copthorne, major, Chemical Warfare Service, \$50; James A. Corcoran, sergeant, \$4; T. M. Chambliss, major, Infantry, \$122.35; Floyd M. Crutchfield, technical sergeant, \$17.10; Harvey T. Davis, private (first class), and Mrs. Davis, \$108; Willie A. Dennis, staff sergeant, \$6.43; Edward F. Durham, civilian employee, \$15.70; John H. Daniels, sergeant, \$39.75; Gust Ehen, civilian employee, \$15.20; Timothy F. Foley, civilian employee, \$43.25; Valentine P. Foster, captain, Coast Artillery Corps, \$6; Gustav H. Franke, major, Field Artillery, \$13.50; John M. Fray, captain, Field Artillery, \$17; George Glebler, sergeant, \$35.75; Burgo D. Gill, second lieutenant, Field Artillery, \$54.75; Alexander O. Gorder, captain, Infantry, \$27.30; William Grant, master sergeant, \$17.64; Chris Gunther, civilian employee, \$228.90; L. Perry Hammond, civilian employee, \$26.17; Lee W. Haney, first lieutenant, Infantry, \$20; Glenn W. Hanna, civilian employee, \$30.25; David Heidler, private, \$5.15; Francis W. Honeycutt, lieutenant colonel, Field Artillery, \$19.10; L. P. Hudson, second lieutenant, Air Corps, \$85; M. E. Jennings, first lieutenant, Chemical Warfare Service, \$46; Joseph S. Johnson, captain, Infantry, \$300; H. D. Jones, sergeant, \$14.80; George W. Jones, sergeant, \$18.75; Robert F. Keiper, civilian employee, \$12.50; George A. Knight, civilian employee, \$15; Lewis M. Krostag, private, \$104.50; Frank L. Kopp, sergeant, \$92.50; C. H. Larrabee, warrant officer, \$38; Lyle R. Lappin, sergeant, \$44.15; Joe D. Lunday, civilian employee, \$71; the estate of Alexander W. Maish, late major, United States Army, retired, \$37.95; B. G. Marchi, second lieutenant, Infantry Reserve, \$64.50; Frank Monroe, sergeant, \$4; Winfield R. McKay, captain, Infantry, \$13; Harry J. Mills, private, \$55; Timothy M. Montgomery, civilian employee, \$11; W. F. O'Neill, civilian employee, \$59; Walter E. Prosser, major, Signal Corps, \$14; Hartley C. Powell, civilian employee, \$139.55; Alexander Phillips, sergeant, \$15; Basil H. Perry, captain, Field Artillery, \$55.65; Robert K. Perrine, second lieutenant, Infantry, \$49.95; J. C. Raaen, first lieutenant, Infantry, \$8.75; William J. Ryan, chaplain, \$225.75; William T. S. Roberts, first lieutenant, Infantry, \$16; August A. Reekast, civilian employee, \$17.50; B. L. Robinson, first lieutenant, Corps of Engineers, \$10;



J. M. Harmon, first lieutenant, Corps of Engineers, \$6.85; David W. Schueler, private, \$35.35; A. D. Sanders, first lieutenant, Infantry, \$41.05; B. R. Slater, second lieutenant, Infantry Reserve, \$174.26; Charles M. Smith, first lieutenant, Infantry, \$18.50; I. B. Smock, major, Medical Corps, \$100; Allen R. Springer, second lieutenant, Air Corps, \$50; Charles G. Stein, sergeant, \$40; John A. Sterling, major, Infantry, \$50; Robert E. Swab, captain, Infantry, \$33.60; Roy J. Taylor, civilian employee, \$188.75; John P. Temple, first lieutenant, Air Corps, \$15; Willie Thompson, sergeant, \$12; Arthur R. Trabold, warrant officer, \$4.25; S. C. Vestal, colonel, Coast Artillery Corps, \$27.35; P. A. Wakeman, first lieutenant, Signal Corps, \$200; E. T. Williams, first lieutenant, Field Artillery, \$47.50; Stella E. Williams, second lieutenant Army Nurse Corps, \$82.10; Fremon Wright, private, \$127.50; George H. Zautner, captain, Quartermaster Corps, \$12.

With the following committee amendments:

On page 3, line 11, after the semicolon, insert "R. L. Harris, first lieutenant, Signal Reserve, \$24.25"; on page 4, in line 8, after the semicolon, strike out "William J. Ryan, chaplain, \$225.75"; on page 4, line 14, after the semicolon, insert "James H. Skinner, second lieutenant, Field Artillery, \$38.20."

The committee amendments were agreed to.

Mr. COSTELLO. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COSTELLO: Page 2, line 4, after the word "property", insert a comma and the words "in accord with conditions therein stated."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JUDSON STOKES

The Clerk called the next bill, H. R. 4860, for the relief of Judson Stokes.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any funds in the Treasury not otherwise appropriated and in full settlement against the Government, the sum of \$2,500 to Judson Stokes for damages as the result of injuries suffered when the vehicle which he was operating collided with a United States mail truck on October 30, 1928, near Atlanta, Ga.

With the following committee amendments:

Page 1, line 6, strike out "\$2,500" and insert in lieu thereof "\$50 per month for 50 months from and after the approval of this act."

Page 1, line 11, after the word "Georgia", insert the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RABBI ISAAC LEVINE

The Clerk called the next bill, H. R. 4974, for the relief of Rabbi Isaac Levine.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$1,000 to Rabbi Isaac Levine, of Knoxville, Tenn., on account of personal injuries sustained by him as a result of being struck by a truck being recklessly driven by an employee of the United States Government, said injury occurring in Knoxville, Tenn., on December 18, 1933:

With the following committee amendments:

In line 5, strike out the figures "\$1,000" and insert in lieu thereof the figures "\$500."

In lines 6 and 7, strike out the words "on account of" and insert in lieu thereof the clause "in full settlement of all claims against the United States for."

At the end of the bill add:

"*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or

received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CHARLES PINE

The Clerk called the next bill, H. R. 5971, for the relief of Charles Pine.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Charles Pine the sum of \$5,000 for injuries sustained on or about December 24, 1929, by being struck by an automobile operated by an employee of the United States Government, to wit, an employee of the United States Veterans' Bureau.

With the following committee amendments:

In line 6, strike out the figures "\$5,000" and insert the figures and words "\$3,500, in full settlement of all claims against the United States."

Strike out all of line 8.

At the end of the bill add:

"*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BROOKER T. WILKINS

The Clerk called the next bill, H. R. 6177, for the relief of Brooker T. Wilkins.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any funds in the Treasury not otherwise appropriated and in full settlement against the Government, the sum of \$1,500 to Brooker T. Wilkins for injuries received as the result of a bullet fired from the rifle range at Fort McPherson, Ga., on February 15, 1926.

With the following committee amendments:

In line 4, strike out the word "funds" and insert the word "money."

In line 6, strike out the figures "\$1,500" and insert the figures "\$750."

At the end of the bill, add: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

MRS. CLARENCE J. M'CLARY

The Clerk called the next bill, H. R. 6825, for the relief of Mrs. Clarence J. McClary.

There being no objection the Clerk read the bill as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the

Treasury not otherwise appropriated, to Mrs. Clarence J. McClary, of Alexandria, Va., the sum of \$10,000. Such sum shall be in full settlement of all claims against the United States on account of the death of Clarence J. McClary, the husband of the said Mrs. Clarence J. McClary, who, at the request of the officers of the Federal Government, accompanied them and assisted in the apprehension and arrest of one Tom Quesenberry, and the said Clarence J. McClary was slain in Loudoun County, Va., March 17, 1935, by the said Tom Quesenberry.

With the following committee amendments:

In line 6, strike out the figures "\$10,000" and insert in lieu thereof the figures and words "\$75 per month in an amount not to exceed \$10,000."

At the end of the bill add:

"Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

VITO VALENTINO

The Clerk called the next bill, S. 314, for the relief of Vito Valentino.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Vito Valentino, of Providence, R. I., the sum of \$50, in full satisfaction of his claim against the United States for damages for injury done to a stone wall owned by said Vito Valentino at 1171 Douglas Avenue, North Providence, R. I., when a United States mail truck ran into such wall on or about March 29, 1934.

With the following committee amendment:

At the end of the bill, add: "*Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.*"

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

C. O. MEYER

The Clerk called the next bill, S. 537, for the relief of C. O. Meyer.

Mr. McFARLANE and Mr. COSTELLO objected, and, under the rule, the bill was recommitted to the Committee on Claims.

RUTH J. BARNES

The Clerk called the next bill, S. 920, for the relief of Ruth J. Barnes.

Mr. TRUAX and Mr. McFARLANE objected, and, under the rule, the bill was recommitted to the Committee on Claims.

MAJ. E. P. DUVAL

The Clerk called the next bill, S. 674, authorizing the President to order Maj. E. P. Duval before a retiring board for a hearing of his case, and upon the findings of such board determine whether or not he be placed on the retired list with the rank and pay held by him at the time of his resignation.

Mr. McFARLANE and Mr. TRUAX objected, and, under the rule, the bill was recommitted to the Committee on Military Affairs.

DR. ERNEST B. DUNLAP

The Clerk called the next bill, H. R. 6602, for the relief of Dr. Ernest B. Dunlap.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Dr. Ernest B. Dunlap, the sum of \$2,806. Such sum shall be in full payment of the claim of the said Dunlap against the United States on account of professional services rendered by him between May 2, 1926, and June 30, 1930, inclusive, at the Kiowa Indian Hospital upon verbal authorization of the Superintendent of the Kiowa Indian Agency. Payment for such services was not made because sufficient individual Indian moneys have not been available for such purpose.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Dr. Ernest B. Dunlap, of Lawton, Okla., the sum of \$2,806 in full settlement of his claim for professional services rendered by him to Indians between May 2, 1926, and June 30, 1930, inclusive, at the Kiowa Indian Hospital, Oklahoma, upon verbal authorization of the Superintendent of the Kiowa Indian Agency."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HEIRS OF JAMES TAYLOR

The Clerk called the next bill, H. R. 7037, to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of the heirs of James Taylor, deceased Cherokee Indian, for the value of certain lands now held by the United States, and for other purposes.

By unanimous consent, a similar Senate bill (S. 2306) was substituted for the House bill.

There being no objection, the Clerk read the Senate bill, as follows:

*Be it enacted, etc.,* That jurisdiction is hereby conferred upon the Court of Claims, both legal and equitable, notwithstanding any statutes of limitations, to hear, determine, and render final judgment upon the claim of the heirs of James Taylor, a deceased Cherokee Indian, named in his last will and testament dated the 7th day of October 1905 (codicil dated Jan. 7, 1907), as recorded in the office of the clerk of the Superior Court of Cherokee County, State of North Carolina, in Book of Wills, page 139 and the following, against the United States for the value of certain lands including the value of all timber and other property taken therefrom and appropriated to the use and benefit of the United States since the 15th day of March 1869, and for the value of the use of such lands and other property by the United States since said date, March 15, 1869, and for attorney's fees. The lands referred to are in the State of North Carolina, and were the subject matter in Congressional Case No. 1344, *James Taylor v. The United States* (H. Doc. 187, 64th Cong., 1st sess.), described in a letter to the Secretary of the Interior dated May 5, 1933, signed by H. A. Wallace, Secretary of Agriculture (S. Rep. No. 875, 73d Cong., 2d sess., p. 6), and are now under administration by the United States as a part of the Nantahala National Forest.

Sec. 2. The Court of Claims shall consider the findings of fact reported to the House of Representatives, as found by said court in Congressional Case No. 1344, *James Taylor v. The United States* (H. Doc. 187, 64th Cong., 1st sess.), as evidence in any suit filed and prosecuted hereunder; but additional evidence and testimony may be submitted by the claimant heirs or by the United States. Records, deeds, correspondence, or other papers recorded or on file in any Department of the United States Government or of the State of North Carolina, or certified copies thereof, may be used as evidence; and the departments of the Government shall give access to any permit inspection of any such records, deeds, correspondence, or other papers, by the claimant heirs of James Taylor or by their attorney in the preparation and prosecution of any suit filed under the authority of this act. It is the intention of this act that the said claim of the heirs of James Taylor against the United States shall be heard and finally determined on its merits and on the basis of justice and equity to both parties, and the Court of Claims is hereby authorized and directed to exercise unrestricted discretion to that end.

Sec. 3. Any suit filed hereunder shall make the heirs of James Taylor party plaintiff and the United States party defendant, and the petition shall be verified by one of the heirs named in the will mentioned in section 1 of this act, or by the attorney representing said heirs, or representing one of them for and on behalf of all of them, and no other verification shall be necessary.



Petition hereunder shall be filed within 1 year from the date of approval of this act with right of amendment at any time before final judgment. The case shall be advanced on the court's docket for hearing; and the court shall have full authority by proper orders and process to bring in and make parties to such suit any or all persons or corporations deemed by it necessary or proper to the final determination of all questions and matters involved.

Sec. 4. Upon the final determination of any suit filed hereunder the Court of Claims is authorized to allow attorney's fees in an amount not to exceed 10 percent on the total amount of the judgment which may be rendered in favor of plaintiff, if any, to be paid by the United States in addition thereto, and the same shall be made a part of the court's decree.

Sec. 5. In the event judgment shall be rendered in favor of the plaintiff heirs of James Taylor, and when the money shall have been appropriated to pay the same, it shall be paid to the said heirs, respectively, or to their respective legal representatives, or to the duly appointed and then acting administrator or executor of the estate of James Taylor, deceased, such payment to be made by the Secretary of the Treasury: *Provided, however,* That before making such payment the Secretary of the Treasury shall have delivered to him by the said heirs, or by a duly appointed and acting administrator or executor of the estate of James Taylor, deceased, a conveyance to the United States of all the right, title, and interest of said heirs in and to the lands referred to in this act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A House bill (H. R. 7037) was laid on the table.

WILLIAM P. BRADY

The Clerk called the next bill, H. R. 417, for the relief of William P. Brady.

Mr. McFARLANE. Mr. Speaker, I object.

There being no further objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers William P. Brady, who was a member of Company —, Eleventh Regiment United States Volunteer Signal Corps, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a corporal of that organization on the 25th day of February 1899: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MARGARET G. BALDWIN

The Clerk called the next bill, H. R. 7340, for the relief of Margaret G. Baldwin.

The SPEAKER. Without objection, a similar Senate bill (S. 2371) will be substituted for the House bill.

There being no objection the Clerk read the Senate bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Margaret G. Baldwin, widow of Frederick W. Baldwin, late consul, Habana, Cuba, the sum of \$3,500, being 1 year's salary of her deceased husband, who died while in the Foreign Service; and there is hereby authorized to be appropriated a sufficient sum to carry out the purposes of this act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A House bill (H. R. 7340) was laid on the table.

IRENE DE BRUYN ROBBINS

The Clerk called the next bill, H. R. 7561, for the relief of Irene de Bruyn Robbins.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. BACON. Mr. Speaker, I ask unanimous consent that the Senate bill (S. 2597) may be substituted for the House bill.

There being no objection, the Clerk read the Senate bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Irene de Bruyn

Robbins, widow of Warren Delano Robbins, late American Minister to Canada, the sum of \$10,000, equal to 1 year's salary of her deceased husband.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H. R. 7561) was laid on the table.

ELSIE SEGAR

The Clerk called the next bill, S. 2218, for the relief of Elsie Segar.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Elsie Segar, administratrix of C. M. A. Sorensen, the sum of \$1,200 for loss on September 1, 1924, of a boathouse, engine parts, tools, electric fittings, marine supplies, and clothing belonging to C. M. A. Sorensen, at Bayou St. John, city of New Orleans, La., while said boathouse was being used by and in the sole occupancy of Government prohibition agents, pursuant to rental privileges granted by C. M. A. Sorensen to prohibition agents of the United States Government, at New Orleans, La.; and to Holger E. Sorensen, the son of C. M. A. Sorensen, the sum of \$800 for loss to Holger E. Sorensen of personal property and belongings in the said boathouse at the time of said boathouse destruction: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendment:

On page 1, line 9, after the word "appropriated", insert "and in full settlement of all claims against the United States."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NAVAL CONSTRUCTION CONTRACTS

Mr. SCOTT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. SCOTT. Mr. Speaker, I do not particularly believe in post mortems, but I feel that one is in order on the Navy bill that passed this House on Wednesday of this week. I refer to H. R. 5730, to amend section 3 (b) of an act entitled "An act to establish the composition of the United States Navy with respect to the categories of vessels limited by the treaties signed at Washington, February 6, 1922, and at London, April 22, 1930, at the limits prescribed by those treaties; to authorize the construction of certain naval vessels; and for other purposes", approved March 27, 1934.

This bill, Mr. Speaker, contains three provisions. The first one exempted bonding companies from responsibility for the payment of profits in excess of 10 percent on contracts awarded by the Government to naval construction companies. The second was a little more involved. When the Vinson Navy bill was passed the Tobey amendment limiting profit on any contract to 10 percent was added to the bill. The amendment that carried Wednesday allows profits and losses to be determined over the period of 1 taxable year. If there is a net profit to the company over 10 percent during the year, with excess profit, it goes back to the Government. If there is a net loss to the contractor, he will be allowed to offset that loss against his profits, if any, of next year.

The third provision is the most vicious of the three. It exempts entirely from the operation of the Tobey amendment the manufacturers of scientific apparatus used on naval vessels and airplanes.

The House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of

the bill. According to the rules, 2 hours of general debate were permitted. All debate was confined to the subject matter of the bill and the time should have been equally divided between those for and against the bill.

Actually control of the time was placed in the hands of Chairman VINSON, who favored the bill, and in the hands of the ranking minority member, DARROW, who was even more in favor of it. Seventy-one minutes were consumed by those favoring the bill. The opposition received 49 minutes, 9 minutes in addition to what had been granted, because Mr. DARROW, the last speaker did not grant it to anyone else. Mr. MCFARLANE demanded recognition and received it from the Chairman [Mr. WILCOX].

During the course of the debate considerable information was brought out for the information of the Members present. I think that most of those on the floor at the time paid close attention to what was being said and were in a position to vote intelligently on the bill at final passage. It is on this feature that I wish to conduct this post mortem.

I send a copy of the CONGRESSIONAL RECORD to the various high school and junior college libraries in my district. These RECORDS are used by pupils and students alike in the study of political science, history, economics, and sociology. In addition to these groups, there are various other organizations in my district that use the CONGRESSIONAL RECORD as source material in their discussion of political science.

For their edification and guidance I want to give them a short lesson in the mechanics of government. The textbooks very often speak of the theory of legislative procedure but omit actual practice.

After the bill had been discussed for 2 hours in the Committee of the Whole House, Mr. MCFARLANE, of Texas, offered a preferential amendment to strike out the enacting clause. Had this motion carried, the bill would have been killed. The question was taken, and on a *vive voce* vote the amendment carried. On a division, demanded by Mr. VINSON of Georgia, there were—ayes 56, noes 71. Mr. MCFARLANE demanded tellers. The Committee again divided and the tellers reported that there were—ayes 66, noes 76; so the motion was rejected. Let me call attention here to the fact that here are 435 Members of the House, but on the first vote 127 were present and voted. Let me also call attention to the fact that in the Committee 100 constitutes a quorum. When the division was ordered 15 Members had been brought in from some place and 142 votes were cast. It is a very unusual event when there are more than 100 Members present listening to debate in the Committee of the Whole House on the state of the Union. Some place on the hill were 300 other Members. These 300 Members had not listened to the discussion of the bill and, as far as an intelligent vote is concerned, were not qualified to cast their votes on this bill.

When Mr. MCFARLANE's amendment was rejected the committee amendment was put and agreed to without division or tellers. The Committee of the Whole House on the state of the Union then arose and reported the bill with the committee amendment to the House with the recommendation that the bill as amended do pass. Mr. VINSON moved the previous question, which would automatically close debate on the amendment; the previous question was ordered; the amendment was agreed to; the bill was ordered to be engrossed and read a third time, and was read a third time.

Mr. MCFARLANE then moved to recommit the bill to the Committee on Naval Affairs. Had this motion prevailed the bill would have been dead for the present and would have been sent back to the Naval Affairs Committee for further consideration. Mr. VINSON moved the previous question on the motion to recommit. This motion made it impossible to explain the bill to the House. The previous question was ordered and on a division demanded by Mr. MARCANTONIO and Mr. MCFARLANE, there were ayes 59 and noes 88. From some place 8 more Members arrived and voted. In the House 218 are necessary to constitute a quorum. No business can be transacted except in the presence of a quorum. One hundred and forty-seven having

voted on the motion to recommit, Mr. MARCANTONIO objected to the vote on the ground that a quorum was not present. This forced an automatic roll call. Again it was impossible to explain the bill. On the roll call there were ayes 130, noes 208. That meant that 191 Members who had not been present at all during the discussion of the bill, came in and cast their votes on this measure. It meant that 211 who were not present on the initial motion to strike out the enacting clause, voted on the bill at final passage. At no time, because of the rules of the House, was it possible to explain the effect of the bill to Members who had been absent during debate.

When a roll call such as the one described above takes place in the House, the Sergeant at Arms rings a bell. That is a signal for all absent Members to rush to the floor to cast their votes. They are met at the door by the Doorkeeper who simply says, "The vote is on a motion to recommit." Now a motion to recommit is generally opposed by the chairman of the committee in charge of the bill. The common practice on the part of these absentees is to vote with the chairman. Therefore, when the Doorkeeper says "The vote is on a motion to recommit", these absentee Members usually vote "no" without ever finding out what the bill is about. It is only fair to state here that there are a few notable exceptions to this rule.

In addition to the Doorkeeper, friends and foes of the bill alike station themselves at the door in an attempt to win those absentees to their side of the argument. The most weighty argument that can be made is "vote no and sustain the committee."

I happened to be standing in the hall when the roll call was being made. A Member of this House, in whom I had formerly had considerable confidence, walked up to the Doorkeeper and the following conversation took place:

The MEMBER. Now that I have voted on this bill, would you mind telling me what the bill provided for?

The DOORKEEPER. Oh, I don't know; it was some Navy bill.

The MEMBER. Oh, well, I don't know anything about the Navy anyhow, so I voted with the committee.

I realize, Mr. Speaker, that I may be doing an unorthodox thing to tell this story. I do it for two reasons. In the first place, I have seen this thing happen so many times and it has made my blood boil every time it does. When a bill as important as this one comes before the House, I do not feel that it is right for Members to vote on it without even knowing what the bill provides for. It is not fair to the country, it is not fair to the people they represent. In this case it is not fair to the taxpayers who are going to suffer. I realize that Members are busy. I am. But when an important bill like this comes on the floor, I think they should learn as much as possible about the bill before they attempt to vote.

In the second place, having been a school teacher for 10 years, I suppose that I just could not pass up the chance to instruct the thousands of people who use this RECORD as a textbook on the practical side of legislative procedure.

#### TAMPA MARINE CO.

Mr. PETERSON of Florida. Mr. Speaker, I ask unanimous consent to return to Calendar 364, the bill (S. 1860) for the relief of the Tampa Marine Co.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Tampa Marine Co., a corporation, of Tampa, Fla., out of any money in the Treasury not otherwise appropriated, the sum of \$2,130, in full settlement of all claims against the Government of the United States for a penalty imposed upon said company in connection with a contract made between said company and the Government, dated August 15, 1928, for certain work and repairs on the U. S. lightship tender *Ivy*: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or re-



ceived by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### ALBERT D. CASTLEBERRY

Mr. CARTWRIGHT. Mr. Speaker, I ask unanimous consent to return to Calendar 337, the bill (H. R. 1583) for the relief of Albert D. Castleberry.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Albert D. Castleberry, who was a member of Company I, Forty-fourth Regiment United States Volunteer Infantry, Philippine Insurrection, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on the 20th day of May 1901: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. OLIVER (at the request of Mr. HILL of Alabama), on account of illness.

To Mr. STEGALL (at the request of Mr. HILL of Alabama), on account of illness in family.

#### SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1578. An act for the relief of Beryl M. McHam; to the Committee on Military Affairs.

S. 2073. An act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes; to the Committee on the Public Lands.

S. 2074. An act to create a National Park Trust Fund Board, and for other purposes; to the Committee on the Public Lands.

#### ENROLLED BILLS SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 2756. An act authorizing the Tlingit and Haida Indians of Alaska to bring suit in the United States Court of Claims, and conferring jurisdiction upon said court to hear, examine, adjudicate, and enter judgment upon any and all claims which said Indians may have, or claim to have, against the United States, and for other purposes; and

H. R. 6836. An act to provide for the printing and distribution of Government publications to The National Archives.

The SPEAKER announced his signature to enrolled joint resolutions of the Senate of the following titles:

S. J. Res. 112. Joint resolution extending the effective period of the Emergency Railroad Transportation Act, 1933; and

S. J. Res. 113. Joint resolution to extend until April 1, 1936, certain provisions of title I of the National Industrial Recovery Act, and for other purposes.

#### ADJOURNMENT

Mr. TAYLOR of Colorado. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 27 minutes p. m.) the House adjourned until tomorrow, Saturday, June 15, 1935, at 12 o'clock noon.

#### COMMITTEE HEARINGS

##### COMMITTEE ON THE PUBLIC LANDS

(Saturday, June 15, 10:30 a. m.)

Committee will hold hearings for consideration of various bills.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

385. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to provide relief for and to adjust certain accounts of John L. Summers, former disbursing clerk, Treasury Department, and Frank White, G. F. Allen, H. T. Tate, and W. O. Woods, former Treasurers of the United States; to the Committee on Claims.

386. A letter from the Acting Secretary of the Navy, transmitting draft of a proposed bill authorizing the Secretary of the Navy to accept gifts and bequests for the benefit of the Office of Naval Records and Library, Navy Department; to the Committee on Naval Affairs.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII.

Mr. SCHAEFER: Committee on Military Affairs. H. R. 4332. A bill to provide for the commemoration of the Battle of Blackstock; with amendment (Rept. No. 1220). Referred to the Committee of the Whole House on the state of the Union.

Mr. SCHAEFER: Committee on Military Affairs. H. R. 4331. A bill to provide for the commemoration of the Battle of Musgrove's Mill; with amendment (Rept. No. 1221). Referred to the Committee of the Whole House on the state of the Union.

Mr. MERRITT of New York: Committee on Military Affairs. S. 634. An act to authorize the sale of a portion of the Fort Smith National Cemetery Reservation, Ark., and for other purposes; without amendment (Rept. No. 1222). Referred to the Committee of the Whole House on the state of the Union.

Mr. WILSON of Louisiana: Committee on Flood Control. H. R. 8455. A bill authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes; without amendment (Rept. No. 1223). Referred to the Committee of the Whole House on the state of the Union.

Mr. LAMBETH: Committee on Printing. H. R. 8473. A bill to provide for the compiling and publishing of the Official Register of the United States; without amendment (Rept. No. 1226). Referred to the Committee of the Whole House on the state of the Union.

Mr. DOUGHTON: Committee on Ways and Means. House Joint Resolution 324. Joint resolution to provide revenue, and for other purposes; without amendment (Rept. No. 1227). Referred to the Committee of the Whole House on the state of the Union.

Mr. SCHAEFER: Committee on Military Affairs. S. 363. An act to increase the efficiency of the Veterinary Corps of the Regular Army; without amendment (Rept. No. 1229). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMASON: Committee on Military Affairs. S. 2326. An act to authorize the Secretary of War to sell to the Eagle Pass & Piedras Negras Bridge Co. a portion of the Eagle Pass Military Reservation, Tex., and for other purposes; without amendment (Rept. No. 1230). Referred to the Committee of the Whole House on the state of the Union.

Mr. SCHAEFER: Committee on Military Affairs. H. R. 4309. A bill to provide for the commemoration of the Battle of Big Dry Wash, in the State of Arizona; with amendment (Rept. No. 1232). Referred to the Committee of the Whole House on the state of the Union.

Mr. DIETRICH: Committee on the Territories. H. R. 7882. A bill to authorize the incorporated city of Anchorage, Alaska, to construct a municipal building and purchase and install a modern telephone exchange, and for such purposes to issue bonds in any sum not exceeding \$75,000; and to authorize said city to accept grants of money to aid it in financing any public works; without amendment (Rept. No. 1233). Referred to the House Calendar.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. RYAN: Committee on Claims. H. R. 2935. A bill for the relief of A. N. Ross; without amendment (Rept. No. 1201). Referred to the Committee of the Whole House.

Mr. SOUTH: Committee on Claims. H. R. 3839. A bill for the relief of Rene Hooge; with amendment (Rept. No. 1202). Referred to the Committee of the Whole House.

Mr. GWYNNE: Committee on Claims. H. R. 3913. A bill for the relief of Edith M. Powell; with amendment (Rept. No. 1203). Referred to the Committee of the Whole House.

Mr. SOUTH: Committee on Claims. H. R. 4570. A bill for the relief of Amy McLaurin; with amendment (Rept. No. 1204). Referred to the Committee of the Whole House.

Mr. SOUTH: Committee on Claims. H. R. 5415. A bill to confer jurisdiction on the District Court of the United States for the Eastern District of North Carolina, to hear, determine, and render judgment upon the claims of the Pamlico Timber Corporation against the United States; with amendment (Rept. No. 1205). Referred to the Committee of the Whole House.

Mr. SMITH of Washington: Committee on Claims. H. R. 5523. A bill for the relief of A. H. Sphar; with amendment (Rept. No. 1206). Referred to the Committee of the Whole House.

Mr. DALY: Committee on Claims. H. R. 5654. A bill to authorize the Court of Claims of the United States to hear and determine the claim of Samuel W. Carter; without amendment (Rept. No. 1207). Referred to the Committee of the Whole House.

Mr. RYAN: Committee on Claims. H. R. 5811. A bill for the relief of Michael A. McHugh; with amendment (Rept. No. 1208). Referred to the Committee of the Whole House.

Mr. ELLENBOGEN: Committee on Claims. H. R. 5870. A bill for the relief of K. S. Szymanski; without amendment (Rept. No. 1209). Referred to the Committee of the Whole House.

Mr. CARLSON: Committee on Claims. H. R. 6267. A bill for the relief of Wint Rowland; with amendment (Rept. No. 1210). Referred to the Committee of the Whole House.

Mr. CARLSON: Committee on Claims. H. R. 6268. A bill for the relief of W. C. Wright; with amendment (Rept. No. 1211). Referred to the Committee of the Whole House.

Mr. CARLSON: Committee on Claims. H. R. 6269. A bill for the relief of W. H. Keyes; with amendment (Rept. No. 1212). Referred to the Committee of the Whole House.

Mr. PITTENGER: Committee on Claims. H. R. 6944. A bill for the relief of Maj. Thomas J. Berry; with amendment (Rept. No. 1213). Referred to the Committee of the Whole House.

Mr. SMITH of Washington: Committee on Claims. H. R. 7076. A bill for the relief of the heirs of John Schrodli; with amendment (Rept. No. 1214). Referred to the Committee of the Whole House.

Mr. DALY: Committee on Claims. H. R. 7093. A bill for the relief of Joseph M. Clagett, Sr.; with amendment (Rept. No. 1215). Referred to the Committee of the Whole House.

Mr. DALY: Committee on Claims. H. R. 7140. A bill for the relief of the Bell Oil & Gas Co.; with amendment (Rept. No. 1216). Referred to the Committee of the Whole House.

Mr. RYAN: Committee on Claims. H. R. 996. A bill for the relief of Joe Reno; with amendment (Rept. No. 1217). Referred to the Committee of the Whole House.

Mr. HOUSTON: Committee on Claims. H. R. 1871. A bill for the relief of the Medical College of Virginia, and others, of Richmond, Va.; with amendment (Rept. No. 1218). Referred to the Committee of the Whole House.

Mr. EVANS: Committee on Claims. H. R. 2148. A bill to confer jurisdiction on the Court of Claims to hear, determine, and render judgment upon the claims of the Italian Star Line, Inc., against the United States; with amendment (Rept. No. 1219). Referred to the Committee of the Whole House.

Mr. PLUMLEY: Committee on Military Affairs. H. R. 5558. A bill for the relief of Clarence F. Jobson; without amendment (Rept. No. 1224). Referred to the Committee of the Whole House.

Mrs. O'DAY: Committee on Immigration and Naturalization. S. 447. An act conferring jurisdiction on the United States District Court for the District of Oregon to hear, determine, and render judgment upon the suit in equity of Rakha Singh Gherwal against the United States; without amendment (Rept. No. 1225). Referred to the Committee of the Whole House.

Mr. ROGERS of New Hampshire: Committee on Military Affairs. H. R. 1371. A bill to provide for the retirement of Maude L. Dally (Petty), disabled former Army nurse; without amendment (Rept. No. 1231). Referred to the Committee of the Whole House.

#### ADVERSE REPORTS

Under clause 2 of rule XIII,

Mr. VINSON of Georgia: Committee on Naval Affairs. House Resolution 247. Resolution directing the Secretary of the Navy to transmit to the House of Representatives information concerning activities of Real Admiral Yates Stirling, Jr., of the United States Navy. (Rept. No. 1228.) Ordered to be printed.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. JONES: A bill (H. R. 8492) to amend the Agriculture Adjustment Act, and for other purposes; to the Committee on Agriculture.

By Mr. CELLER: A bill (H. R. 8493) to restore the 2-cent rate of postage on first-class mail matter; to the Committee on Ways and Means.

By Mr. ANDREWS of New York: A bill (H. R. 8494) to release veterans from the liability to pay interest on loans secured by adjusted-service certificates, and for other purposes; to the Committee on Ways and Means.

By Mr. BUCK: A bill (H. R. 8495) to amend certain plant-quarantine laws; to the Committee on Agriculture.

By Mr. GEARHART: A bill (H. R. 8496) to repatriate native-born women who have heretofore lost their citizenship by marriage to an alien, and for other purposes; to the Committee on Immigration and Naturalization.

By Mrs. JENCKES of Indiana: A bill (H. R. 8497) to amend section 584 of title 20 of the Code of the District of Columbia relative to retirement allowance for total disability, age retirement, and pensions to widows and orphans of retired members of the police and fire departments of the District of Columbia; to the Committee on the District of Columbia.

By Mr. KRAMER: A bill (H. R. 8498) to provide that pensioners advocating the overthrow of the Government by force or other unlawful means shall forfeit rights to pension; to the Committee on Expenditures in the Executive Departments.

By Mr. LORD: A bill (H. R. 8499) to require statistics with respect to salaries, bonuses, and wages paid by certain persons subject to the provisions of the Securities Exchange Act of 1934; to the Committee on Interstate and Foreign Commerce.



By Mrs. NORTON: A bill (H. R. 8500) to provide for the erection of a building to be used exclusively for the recorder of deeds; to the Committee on the District of Columbia.

By Mr. KELLER: Resolution (H. Res. 259) amending clause 41 of rule X of the House of Representatives; to the Committee on Rules.

By Mr. DUNCAN: Resolution (H. Res. 260) providing for an investigation of the liquor industry; to the Committee on Rules.

By Mr. DOUGHTON: Joint resolution (H. J. Res. 324) to provide revenue, and for other purposes; to the Committee on Ways and Means.

By Mr. BRUNNER: Joint resolution (H. J. Res. 325) making June 14, commonly known as "Flag Day", a legal national holiday; to the Committee on the Judiciary.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CARTER: A bill (H. R. 8501) granting a pension to Clara A. Arbogast; to the Committee on Invalid Pensions.

By Mr. CHRISTIANSON: A bill (H. R. 8502) for the relief of Theresa Link, Wencel Link, Edward Block, and John Meyers; to the Committee on Claims.

By Mr. KELLER: A bill (H. R. 8503) for the relief of the estate of the late Mary E. Stebbins; to the Committee on Claims.

By Mr. KINZER: A bill (H. R. 8504) for the relief of Jessie Alonzo Dillon; to the Committee on Naval Affairs.

By Mr. McLAUGHLIN: A bill (H. R. 8505) directing the Court of Claims to reopen the case of John W. Parish, trustee (John H. Baxten, substituted), against the United States (no. 34,450), and to correct the errors therein, if any, by an additional judgment against the United States; to the Committee on Claims.

By Mr. PETERSON of Florida: A bill (H. R. 8506) for the relief of Oliver Faulkner; to the Committee on Claims.

By Mr. PEYSER: A bill (H. R. 8507) granting a pension to Catherine O'Hare; to the Committee on Pensions.

By Mr. ROGERS of Oklahoma (by departmental request): A bill (H. R. 8508) for the relief of Constantin Gilia; to the Committee on Indian Affairs.

Also (by departmental request), a bill (H. R. 8509) for the relief of C. R. Whitlock; to the Committee on Indian Affairs.

By Mr. TARVER: A bill (H. R. 8510) for the relief of John Hurston; to the Committee on Claims.

#### PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

8837. By Mr. BLAND: Petition of 34 citizens of Northampton County, Va., requesting relief from the Federal gasoline tax and requesting that Congress allow the Federal gasoline tax to expire on June 30, 1935, never to be levied again; to the Committee on Ways and Means.

8838. By Mr. DRISCOLL: Petition of C. J. Meyers, of Sharon, Pa., and members of the Brotherhood of Railway and Steamship Clerks and others, advocating passage of House Joint Resolution 219; to the Committee on Interstate and Foreign Commerce.

8839. By Mr. FORD of California: Resolution of the Board of Supervisors of Los Angeles County, memorializing the President of the United States to make ample provision in the Federal works plan for the employment of "white collar" workers; to the Committee on Ways and Means.

8840. Also, resolution of the Ocean Park-Santa Monica Business Men's Association, the Public Affairs Association of Santa Monica Bay District, and the Women's University Club of Los Angeles, urging Congress to enact House bill 5359, for the creation of a national civil academy to train qualified young men and women for public service; to the Committee on Education.

8841. By Mr. GOODWIN: Resolution unanimously adopted by the Navy Post, No. 16, of the American Legion, New York, N. Y., providing that the team representing the United States

at the Olympic Games in Germany in 1936 should travel to and from those games in ships of United States registry, manned by American officers and crews, etc.; to the Committee on Naval Affairs.

8842. By Mr. HART: Petition of the New Jersey Taxpayers Association, insisting that the Federal Congress in appropriating funds for either State aid or unemployment relief or Federal grants shall desist from efforts to induce increased expenditures for any purpose by the respective State legislatures or municipalities; and that in the distribution of Federal funds and in the allotment to the several States, due consideration be given to the contribution of such States to the Federal Treasury; to the Committee on Ways and Means.

8843. By Mr. HILDEBRANDT: Petition of the Board of County Commissioners of Bennett County, S. Dak., to prevent the establishing and construction of Federal game refuge along Lacreek, closing the same to the general public; to the Committee on the Public Lands.

8844. By Mr. MEAD: Petition of the Manufacturing Chemists' Association of the United States, requesting that Congress delete the provisions of title II of the pending banking bill; to the Committee on Banking and Currency.

8845. Also, petition of the Manufacturing Chemists' Association of the United States, requesting that Congress oppose the enactment of the Wagner labor-relations bill; to the Committee on Labor.

8846. By Mr. MERRITT of New York: Petition of the Brotherhood of Railway and Steamship Clerks, Utica Lodge, No. 116, Utica, N. Y., urging Congress to extend the Emergency Transportation Act for 1 year; to the Committee on Interstate and Foreign Commerce.

8847. Also, resolution of the general committee of immigrant aid at Ellis Island and New York Harbor, urging Congress to speedily enact into law House bill 8163, designed to authorize the deportation of habitual criminals, to guard against the separation from their families of aliens of the noncriminal class, to provide for legalizing the residence in the United States of a certain class of aliens, etc.; to the Committee on Immigration and Naturalization.

8848. By Mr. PFELFER: Petition of John F. Green, of Glendale, with reference to the excise tax on cosmetics; to the Committee on Ways and Means.

8849. By Mr. RUDD: Petition of 25 citizens of Brooklyn, N. Y., favoring the Higgins of Massachusetts-Borah resolutions, concerning the Mexican situation; to the Committee on Foreign Affairs.

8850. By Mr. TRUAX: Petition of W. F. Grimm and numerous others of Akron, Ohio, urging support of House Joint Resolution 219, which provides for extension of the Emergency Railway Labor Act, which automatically expires June 16, 1935; to the Committee on Interstate and Foreign Commerce.

8851. Also, petition of Hardrubber Workers' Local Union No. 18395, Akron, Ohio, by their secretary, Paul Langbein, urging support of the Wagner labor-disputes bill; to the Committee on Labor.

8852. Also, petition of Local Union No. 156, United Association of Journeymen Plumbers and Steam Fitters, Akron, Ohio, by their recording secretary, Leo H. Samples, urging support of the Wagner-Connery labor-disputes bill; to the Committee on Labor.

8853. Also, petition of the New York Progressive Club, New York City, by their secretary, Herman H. Heinzer, urging support of the Wagner labor-disputes bill; to the Committee on Labor.

8854. Also, petition of National Inventors Congress, Hotel Sherman, Chicago, Ill., by their president, Albert G. Burns, urging passage of legislation establishing an inventors' loan fund, as there has been a heavy accumulation of inventions that have not been given to the world because their creators have not been financially able to have them patented; to the Committee on Patents.

8855. By the SPEAKER: Petition of the County of Los Angeles Board of Supervisors; to the Committee on Ways and Means.

8856. Also, petition of the Manufacturing Chemists' Association; to the Committee on Banking and Currency.

8857. Also, petition of the Order of Railroad Telegraphers, Division No. 37; to the Committee on Interstate and Foreign Commerce.

## SENATE

SATURDAY, JUNE 15, 1935

(Legislative day of Monday, May 13, 1935)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

### THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of the calendar days Wednesday, June 12, and Friday, June 14, 1935, was dispensed with, and the Journal was approved.

### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, communicated to the Senate the intelligence of the death of Hon. CAP R. CARDEN, late a Representative from the State of Kentucky, and transmitted the resolutions of the House thereon.

The message also announced that the House had passed, without amendment, the following bills of the Senate:

- S. 43. An act for the relief of Lucile A. Abbey;
- S. 144. An act for the relief of Austin L. Tierney;
- S. 148. An act for the relief of the estate of Donnie Wright;
- S. 391. An act for the relief of Ralph E. Woolley;
- S. 546. An act for the relief of Miles Thomas Barrett;
- S. 694. An act for the payment of the claims of the Fidelity Trust Co. of Baltimore, Md., and others;
- S. 799. An act for the relief of Yvonne Hale;
- S. 885. An act to correct the naval record of Joseph Horace Albion Normandin;
- S. 1051. An act for the relief of the Western Union Telegraph Co.;
- S. 1363. An act for the relief of John A. Jumer;
- S. 1392. An act conferring upon the United States District Court for the Northern District of California, Southern Division, jurisdiction of the claim of Minnie C. de Back against the Alaska Railroad;
- S. 1410. An act for the relief of Thomas G. Carlin;
- S. 1656. An act for the relief of Ward J. Lawton;
- S. 1809. An act for the relief of Germaine M. Finley;
- S. 1860. An act for the relief of the Tampa Marine Co.;
- S. 2306. An act to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of the heirs of James Taylor, deceased Cherokee Indian, for the value of certain lands now held by the United States, and for other purposes;
- S. 2371. An act for the relief of Margaret G. Baldwin; and
- S. 2597. An act for the relief of Irene de Bruyn Robbins.

The message further announced that the House had passed the following bills of the Senate, severally with an amendment, in which it requested the concurrence of the Senate:

- S. 314. An act for the relief of Vito Valentino;
- S. 547. An act for the relief of Alfred W. Kliefoth;
- S. 1052. An act for the relief of the Washington Post Co.;
- S. 1325. An act for the relief of Dino Carbonell;
- S. 1863. An act for the relief of Trifune Korac;
- S. 2218. An act for the relief of Elsie Segar; and
- S. 2333. An act for the relief of John W. Dady.

The message also announced that the House had passed the bill (S. 1585) for the relief of Stefano Talanco and Edith Talanco, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

- H. R. 351. An act for the relief of Jane B. Smith and Dora D. Smith;
- H. R. 417. An act for the relief of William P. Brady;

- H. R. 670. An act conferring jurisdiction in the Court of Claims to hear and determine the claim of George B. Gates;
- H. R. 1470. An act for the relief of Carl A. Butler;
- H. R. 1540. An act for the relief of Lester I. Conrad;
- H. R. 1583. An act for the relief of Albert D. Castleberry;
- H. R. 1714. An act for the relief of Russell H. Lindsay;
- H. R. 2118. An act for the relief of John P. Seabrook;
- H. R. 2130. An act for the relief of John M. McNulty;
- H. R. 2325. An act for the relief of James P. Whalen;
- H. R. 2555. An act to extend to Sgt. Maj. Edmund S. Sayer, United States Marine Corps (retired), the benefits of the act of May 7, 1932, providing highest World War rank to retired enlisted men;

- H. R. 2611. An act for the relief of John E. Fondahl;
- H. R. 2730. An act for the relief of Thomas Harris McLaughlin;

H. R. 3149. An act to confer jurisdiction upon the United States District Court for the Southern District of Texas, Corpus Christi Division, to determine the claim of Mrs. L. B. Gentry;

- H. R. 3574. An act for the relief of Nellie T. Francis;
- H. R. 3604. An act to place William H. Clinton on the retired list of the Navy;

H. R. 3760. An act for the relief of Capt. Arthur L. Bristol, United States Navy;

- H. R. 4226. An act for the relief of Floyd Hull;
- H. R. 4259. An act for the relief of George R. Slate;
- H. R. 4274. An act correcting date of enlistment of Elza Bennett in the United States Navy;

- H. R. 4368. An act for the relief of E. C. West;
- H. R. 4406. An act for the relief of Anna Farruggia;
- H. R. 4623. An act for the relief of George Brackett Cargill, deceased;

H. R. 4850. An act to authorize the settlement of individual claims of military personnel for damages to and loss of private property incident to the training, practice, operation, or maintenance of the Army;

- H. R. 4860. An act for the relief of Judson Stokes;
- H. R. 4974. An act for the relief of Rabbi Isaac Levine;
- H. R. 5393. An act for the relief of Moses Israel;
- H. R. 5521. An act for the relief of Frank Williams;
- H. R. 5971. An act for the relief of Charles Pine;
- H. R. 6177. An act for the relief of Brooker T. Wilkins;
- H. R. 6549. An act for the relief of Horton & Horton;
- H. R. 6602. An act for the relief of Dr. Ernest B. Dunlap;
- H. R. 6825. An act for the relief of Mrs. Clarence J. McClary; and

- H. R. 7254. An act for the relief of Lily M. Miller.

### CALL OF THE ROLL

Mr. LEWIS. I note the absence of a quorum and ask for a roll call.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Coolidge	La Follette	Radcliffe
Ashurst	Copeland	Lewis	Reynolds
Austin	Costigan	Loneragan	Robinson
Bachman	Couzens	Long	Russell
Bailey	Davis	McAdoo	Schall
Bankhead	Dickinson	McCarran	Schwollenbach
Barkley	Donahay	McGill	Sheppard
Black	Duffy	McKellar	Shipstead
Bone	Fletcher	McNary	Smith
Borah	Frazier	Maloney	Steiwer
Brown	George	Minton	Thomas, Okla.
Bulkley	Gerry	Moore	Trammell
Bulow	Gibson	Murphy	Vandenberg
Burke	Gore	Murray	Van Nuys
Byrd	Hale	Neely	Wagner
Byrnes	Harrison	Norbeck	Walsh
Capper	Hastings	Norris	Wheeler
Caraway	Hatch	O'Mahoney	White
Chavez	Hayden	Overton	
Clark	Johnson	Pittman	
Connally	King	Pope	

Mr. LEWIS. I announce the absence of my colleague the junior Senator from Illinois [Mr. DIETRICH], the Senator from Mississippi [Mr. BLBO], the Senator from Virginia [Mr. GLASS], the Senator from Pennsylvania [Mr. GUFFEY], the Senator from Kentucky [Mr. LOGAN], and the Senator from